

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JENNIFER HOLSAPPLE, as Personal
Representative of the Estate of Robert
Jans, deceased

Plaintiff,

v.

Case No: 2:12-cv-473-FtM-38UAM

VOLUMETRIC MIXERS BY STRONG,
INC. and STRONG INDUSTRIES, INC.,

Defendants.

JENNIFER HOLSAPPLE, as Personal
Representative of the Estate of Robert
Jans, deceased

Plaintiff,

v.

Case No: 2:12-cv-355-SPC-UAM

STRONG INDUSTRIES, INC.,

Defendant.

ORDER¹

This matter comes before the Court on Stipulation for Order of Dismissal with Prejudice and without Fees or Costs (Doc. #56) filed on October 2, 2013. [Federal Rule of Civil Procedure 41\(a\)\(1\)\(A\)](#), allows a plaintiff to dismiss a case without a court order. The Rule reads in pertinent part:

Subject to Rules 23(e), 23.1, 23.2 and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or Web sites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other Web sites, this court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.

- (i) A notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or
- (ii) A stipulation of dismissal signed by all parties who have appeared.

Fed. R. Civ. P. 41(a)(1)(A).

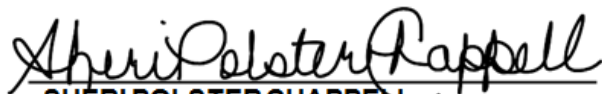
In this instance, Plaintiff informs the Court that it voluntarily dismisses the Complaint with prejudice. The remaining Parties in this action, Plaintiff Jennifer Holsapple and Defendant Volumetric Mixers By Strong, Inc., have signed the notice. Therefore, the case is due to be dismissed with prejudice.

Accordingly, it is now

ORDERED:

- (1) The Clerk is directed to officially terminate Defendant Strong Industries, Inc. from case number 2:12-cv-473-SPC-UAM. (See Doc. #27).
- (2) Plaintiff Jennifer Holsapple's Complaint (Doc. #2) in case number 2:12-cv-473-SPC-UAM is hereby **DISMISSED with prejudice**. Each Party shall bear its own respective fees and costs.
- (3) The Clerk is directed to close case number 2:12-cv-473-SPC-UAM, terminate any pending motions and enter judgment accordingly. The Clerk is directed to reflect the same in the docket of case number 2:12-cv-355-SPC-UAM which was consolidated within case number 2:12-cv-473-SPC-UAM (See Doc. #24).

DONE and **ORDERED** in Fort Myers, Florida this 3rd day of October, 2013.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record