

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

DAN STOCKS and BOATMAN
MARINE, LLC, individually

Plaintiffs,

v.

Case No: 2:13-cv-45-FtM-38UAM

RLI INSURANCE COMPANY,

Defendant.

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ORDER

This matter comes before the Court on the Plaintiffs, Dan Stocks and Boatman Marine, LLC's Motion for Voluntary Dismissal with Prejudice (Doc. #36) filed on June 20, 2013. The Plaintiff gives notice to the Court that he voluntarily dismisses the Complaint with prejudice pursuant to Fed. R. Civ. P. 41(a)(2).

Except as provided in Rule 41(a)(1) (dismissal by stipulation or before an answer or motion for summary judgment has been filed), dismissal of an action must be by court order. Kokkonen v. Guardian Life Ins. Co. of America, 511 U.S. 375, 378-381, 114 S. Ct. 1673, 1675-1677, 128 L. Ed. 2d 291 (1994); Anago Franchising, Inc. v. Shaz, LLC., 677 F.3d 1272, 1280 (11th Cir. 2012). Fed. R. Civ. P. 41(a)(2) provides that "an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper." "The district court enjoys broad discretion in determining whether to allow a voluntary dismissal under Rule 41(a)(2)." Pontenberg v. Boston Sci. Corp., 252 F.3d 1253, 1255 (11th Cir. 2001). A "voluntary dismissal should be granted

unless the defendant will suffer clear legal prejudice, other than the mere prospect of a subsequent lawsuit, as a result.” *Id.* (internal quotation marks omitted).

In this instance, the Plaintiff notified the Court (Doc. # 34) that a settlement agreement has been reached between the Parties and now moves the Court to dismiss the action with prejudice. Pursuant to M.D. Fla. Local Rule 3,01(g), the Plaintiff conferred with the Defendant who does not oppose the Motion. Therefore, the Court finds good cause to grant the motion and dismiss the case with prejudice.

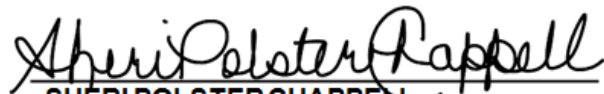
Accordingly, it is now

ORDERED:

The Plaintiffs, Dan Stocks and Boatman Marine, LLC Motion for Voluntary Dismissal with Prejudice (Doc. #36) is **GRANTED**.

1. The case is hereby **DISMISSED with prejudice**.
2. The Clerk is directed to enter judgment accordingly, terminate any previously scheduled deadlines and pending motions, and **CLOSE** the case.

DONE and **ORDERED** in Fort Myers, Florida this 21st day of June, 2013.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record