

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

STEVEN DAVIS,

Plaintiff,

v.

Case No: 2:13-cv-236-FtM-38DNF

CREDIT CONTROL SERVICES,
INC. and LABORATORY
CORPORATION OF AMERICA,

Defendants.

ORDER¹

This matter comes before the Court on the Plaintiff, Steven Davis and the Defendant Credit Control Services, Inc.'s Joint Stipulation for Dismissal without Prejudice as to Defendant Credit Control Services, Inc. Only ([Doc. #27](#)) filed on January 9, 2014. [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:

- (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\(a\)\(1\)\(A\)](#).

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.

In this instance, the Plaintiff informs the Court that the Parties stipulate to the dismissal of the Complaint without prejudice as to the Defendant Credit Control Services, Inc. Each Party will bear its own fees and costs. Under [Rule 41\(a\)](#), dismissal is proper where all Parties agree, therefore the case is due to be dismissed.

Accordingly, it is now

ORDERED:

The Plaintiff, Steven Davis and the Defendant Credit Control Services, Inc.'s Joint Stipulation for Dismissal without Prejudice as to Defendant Credit Control Services, Inc. Only ([Doc. #27](#)) is **GRANTED**. The Complaint against Credit Control Services, Inc.'s ([Doc. #1](#)) is hereby **DISMISSED without prejudice**. The Clerk of the Court is directed to enter judgment accordingly, terminate any pending motions, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 10th day of January, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record