

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

PNC BANK, N.A., as successor in  
interest to RBC Bank (USA), as  
successor in interest to Community  
Bank of Naples, N.A.,

Plaintiff,

v.

Case No: 2:13-cv-247-FtM-38UAM

DBAK HOLDINGS, LLC, PARKER  
COMMONS OFFICE PARK  
CONDOMINIUM ASSOCIATION  
INC., UNKNOWN OCCUPANTS,  
n/k/a U.S. Health Advisors, and  
UNKNOWN OCCUPANTS,

Defendants.

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**ORDER**<sup>1</sup>

This matter comes before the Court on PNC Bank's Notice of Voluntary Dismissal Without Prejudice of Count III of the Amended Verified Complaint as to Parker Commons Office Park Condominium Association Inc. ([Doc. #56](#)) filed on December 30, 2013. [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)](#) provides that an action may be dismissed by a plaintiff without order of the court 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. Here, Defendant Parker Commons has appeared in this

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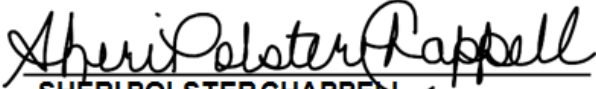
action and filed an Answer. ([Doc. #31](#)). Therefore, Plaintiff must submit a stipulation signed by all parties pursuant to [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)\(ii\)](#).

Accordingly, it is now

**ORDERED:**

Plaintiff shall have up to and including **January 3, 2014**, to submit a stipulation of dismissal of Count III against Parker Commons.

**DONE** and **ORDERED** in Fort Myers, Florida this 31st day of December, 2013.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record