

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

RICK ROSE and MARCIA ROSE,

Plaintiffs,

v.

Case No: 2:13-cv-275-FtM-38CM

MIKE SCOTT, WILLIAM DUNASKE,
KEITH DAY and NICK DESTEFANIS,

Defendants.

ORDER¹

This matter comes before the Court on the Plaintiffs, Rick and Marcia Rose, and the Defendants, Mike Scott, William Dunaske, Keith Day, and Nick Destefanis' Stipulation of Dismissal ([Doc. #32](#)) filed on June 10, 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\(a\)\(1\)\(A\)](#).

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In this instance, the Plaintiffs inform the Court that the Parties have settled the case and advises that they voluntarily dismiss all claims against the Defendants with prejudice. All Parties are to bear their own costs and fees.

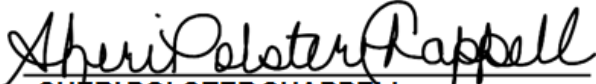
Accordingly, it is now

ORDERED:

The Plaintiffs, Rick and Marcia Rose, and the Defendants, Mike Scott, William Dunaske, Keith Day, and Nick Destefanis' Stipulation of Dismissal ([Doc. #32](#)) is **GRANTED**.

- (1) The Clerk of the Court is directed to **DISMISS** the case with prejudice, enter judgment accordingly, terminate all pending motions, and close the file.
- (2) All Parties are to bear their own costs and fees.
- (3) All liens and subrogated interests, if any, shall be satisfied by the Plaintiff out of the proceeds of the settlement.

DONE and **ORDERED** in Fort Myers, Florida this 11th day of June, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record