

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

GARRY GRADY,

Plaintiff,

v.

Case No: 2:13-cv-358-FtM-38DNF

B & W GOLF CARS, INC.,

Defendant.

ORDER¹

This matter comes before the Court on Plaintiff's Notice of Voluntary Dismissal pursuant to [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)\(i\)](#) (Doc. #[12](#)) filed on July 9, 2013. Plaintiff files a notice of dismissal of this action with prejudice as he verifies that this FLSA matter has settled and he was compensated in full without compromise. Therefore, no review of the settlement is necessary. [Lynn's Food Stores, Inc. v. United States Dep't of Labor](#), 679 F.2d 1350, 1352 (11th Cir. 1982). [Fed. R. Civ. P. 41\(a\)\(1\)](#) provides that an action may be dismissed by the 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. Defendants have not filed an answer or a motion for summary judgment. In this case,

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Defendant did not file an answer or a motion for summary judgment. As a result, the case will be dismissed based upon the notice filed by the Plaintiff.

Accordingly, it is now

ORDERED:

(1) This matter is **DISMISSED with prejudice** pursuant to Plaintiff's Notice of Voluntary Dismissal (Doc. #[12](#)).

(2) The Clerk is directed to enter judgment accordingly, terminate all pending deadlines, and **CLOSE the file**.

DONE and **ORDERED** in Fort Myers, Florida this 10th day of July, 2013.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record