

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MONIQUE LEMELIN,

Plaintiff,

v.

Case No: 2:13-cv-446-FtM-38DNF

SEARS HOLDINGS CORPORATION
and KMART CORPORATION,

Defendants.

ORDER¹

This matter comes before the Court on the Plaintiff, Monique Lemelin, the Defendants, Sears Holdings Corporation and K Mart Corporation's Joint Stipulation of Dismissal with Prejudice ([Doc. #20](#)) filed on June 20, 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 Parties inform the Court that all Parties stipulate that the claim against the Defendants shall be dismissed with prejudice. All Parties shall bear their own costs and attorney's fees.

Accordingly, it is now

ORDERED:

The Plaintiff, Monique Lemelin, the Defendant, Sears Holdings Corporation and the Defendant K Mart Corporation's Joint Stipulation of Dismissal with Prejudice ([Doc. #20](#)) is **GRANTED**. The case is hereby **DISMISSED** with 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 25th day of June, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record