

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

DEBRA HERNANDEZ,

Plaintiff,

v.

Case No: 2:13-cv-845-FtM-38DNF

AARONS SALES AND LEASE  
OWNERSHIP, INC.,

Defendant.

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

This matter comes before the Court on the Plaintiff, Debra Hernandez' Joint Stipulation of Voluntary Dismissal with Leave to Amend ([Doc. #11](#)) filed on December 30, 2013. [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 Plaintiff informs the Court that the Parties stipulate to the dismissal of this action without prejudice with leave to amend. The stipulation is signed by all Parties and no answer or summary judgment has been filed, therefore; the case is due to be dismissed without prejudice.

The Defendant's Motion to Dismiss (Doc. #6) filed on December 10, 2013, is denied as moot.

Accordingly, it is now **ORDERED**:

The Plaintiff, Debra Hernandez' Joint Stipulation of Voluntary Dismissal with Leave to Amend ([Doc. #11](#)) is **GRANTED**. The Case is hereby **DISMISSED** without prejudice. All Parties shall bear their own cost and expenses incurred in this matter.

- (1) The Defendant Aaron's Sales and Lease Ownership, Inc.'s Motion to Dismiss ([Doc. #6](#)) is **DENIED** as moot.
- (2) 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 31st day of December, 2013.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record