

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

JUNIOR HERMIDA, on behalf of himself  
and all others similarly situated

Plaintiff,

v.

Case No: 2:14-cv-172-FtM-38DNF

VITAMIN SHOPPE, INC.,

Defendant.

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

This matter comes before the Court on Notice of Voluntary Dismissal without Prejudice ([Doc. 13](#)) filed on August 19, 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\(a\)\(1\)\(A\)](#).

In this instance, Plaintiff Junior Hermida voluntarily dismisses this action without prejudice. Defendant Vitamin Shoppe, Inc. has not answered the Complaint or filed a

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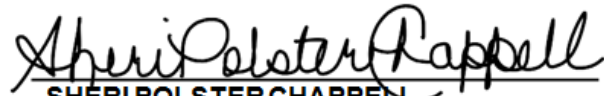
motion for summary judgment. Therefore, pursuant to [Rule 41\(a\)\(1\)\(A\)\(i\)](#), this matter is dismissed without prejudice.

Accordingly, it is now

**ORDERED:**

Plaintiff Junior Hermida's Complaint ([Doc. 1](#)) against Defendant Vitamin Shoppe, Inc. is **DISMISSED without prejudice**. The Clerk is directed to close the file, terminate any pending motion, and enter judgment accordingly.

**DONE** and **ORDERED** in Fort Myers, Florida this 19th day of August, 2014.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record