

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LEE MEMORIAL HEALTH SYSTEM,

Plaintiff,

v.

Case No: 2:14-cv-136-FtM-38CM

HUMANA INSURANCE COMPANY,
HUMANA MEDICAL PLAN INC. and
HUMANA HEALTH INSURANCE
COMPANY OF FLORIDA, INC.,

Defendants.

ORDER

This matter comes before the Court on the Plaintiff, Lee Memorial Health System's Notice of Voluntary Dismissal ([Doc. #12](#)) filed on April 14, 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, the Plaintiff, Lee Memorial Health Systems informs the Court that it voluntarily dismisses the Complaint with prejudice. No answer or summary judgment has been filed, therefore; the case is due to be dismissed with prejudice.

Accordingly, it is now

ORDERED:

The Plaintiff, Lee Memorial Health System's Notice of Voluntary Dismissal ([Doc. #12](#)) is **GRANTED**. The Clerk of the Court is directed to enter judgment accordingly, **DISMISS** the case with prejudice, terminate any pending motions, and close the file.

DONE and **ORDERED** in Fort Myers, Florida this 15th day of April, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record