

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DAN HEFFREN, on behalf of himself and
others similarly situated

Plaintiff,

v.

Case No: 2:14-cv-220-FtM-38CM

STORM TIGHT SWF, LLC and TOM
ALBANITO,

Defendants.

_____ /

ORDER¹

This matter comes before the Court on Plaintiff's Notice of Voluntary Dismissal without Prejudice ([Doc. #10](#)) filed on September 15, 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\(a\)\(1\)\(A\)](#).


¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or Web sites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other Web sites, this court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their Web sites. Likewise, the court has no agreements with any of these third parties or their Web sites. The court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the court.

In this instance, Plaintiff Dan Heffren voluntarily dismisses this action without prejudice. Defendants, Storm Tight SWF, LLC, and Tom Albanito, have not answered the Complaint or filed a 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 Dan Heffren's Amended Complaint ([Doc. #4](#)) against Defendants, Storm Tight SWF, LLC, and Tom Albanito, 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 September, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record