

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ADMIRAL INSURANCE COMPANY, a
foreign for profit corporation,

Plaintiff,

v.

Case No: 2:14-cv-339-FtM-38CM

MARN RIVELLE d/b/a RIVELLE
CONSULTING SERVICES, an
individual; and CALIFORNIA
RESTAURANT MUTUAL BENEFIT
CORPORATION, a foreign
corporation,

Defendants.

ORDER¹

This matter comes before the Court on Plaintiff Admiral Insurance Company's Notice of Voluntary Dismissal Pursuant to F.R.C.P. 41(a)(1)(A)(i) as to Defendant California Restaurant Mutual Benefit Corporation ([Doc. #19](#)) filed on August 1, 2014. [Rule 41\(a\)\(1\)\(A\) of the Federal Rules of Civil Procedure](#) allows a plaintiff to dismiss a case voluntarily without a court order. Rule 41(a)(1)(A) reads, in pertinent part, that

[s]ubject 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.

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[Fed. R. Civ. P. 41\(a\)\(1\)\(A\)](#).


In this instance, Plaintiff voluntarily dismisses all claims in the Complaint ([Doc. #1](#)) against Defendant California Restaurant Mutual Benefit Corporation ("Defendant CRMBC") pursuant to [Rule 41\(a\)\(1\)\(A\)\(i\)](#). ([Doc. #19](#)). Defendant CRMBC has not filed an answer or a motion for summary judgment. The Court, therefore, dismisses the case as to Defendant CRMBC without prejudice.

Accordingly, it is now

ORDERED:

Plaintiff Admiral Insurance Company's Notice of Voluntary Dismissal Pursuant to F.R.C.P. 41(a)(1)(A)(i) as to Defendant California Restaurant Mutual Benefit Corporation ([Doc. #19](#)) is **GRANTED without prejudice**. The Clerk of the Court is directed to terminate Defendant California Restaurant Mutual Benefit Corporation as a party in this case.

DONE and **ORDERED** in Fort Myers, Florida this 13th day of August, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record