

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

HOWARD COHAN,

Plaintiff,

v.

Case No: 2:14-cv-372-FtM-38DNF

THE MARINER MOTEL &  
APARTMENTS,

Defendant.

---

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

This matter comes before the Court on Joint Stipulation of Dismissal with Prejudice ([Doc. #22](#)) filed on November 20, 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 parties, Plaintiff Howard Cohen and Defendant The Mariner Motel & Apartments, indicate this matter is dismissed with prejudice. Both parties have signed the agreement. Therefore, this matter is due to be dismissed with prejudice pursuant to [Rule 41\(a\)\(1\)\(A\)\(ii\)](#).

---

<sup>1</sup> 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.

Accordingly, it is now

**ORDERED:**

1. Pursuant to the parties' Joint Stipulation of Dismissal with Prejudice ([Doc. #22](#)) and [Rule 41\(a\)\(1\)\(A\)\(ii\)](#), the Complaint ([Doc. #1](#)) is **DISMISSED with prejudice**.
2. The Clerk is directed to terminate any pending motions, enter judgment, and close the case.

**DONE** and **ORDERED** in Fort Myers, Florida this 3rd day of December, 2014.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record