

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

BROADCAST MUSIC, INC., SONGS
OF UNIVERSAL, INC., HOUSE OF
CASH, INC., UNIVERSAL - SONGS OF
POLYGRAM INTERNATIONAL, INC.,
NAG PUBLISHING and PAINTED
DESERT MUSIC CORPORATION,

Plaintiffs,

v.

Case No: 2:14-cv-473-FtM-38CM

EDWARD & ANTHONY, INC.,
CATHERINE GOODMAN and
GEORGE OSLER,

Defendants.

ORDER¹

This matter comes before the Court on Voluntary Dismissal with Prejudice ([Doc. #11](#)) filed on October 29, 2014. [Federal Rule of Civil Procedure 41\(a\)\(1\)\(A\)](#), allows a plaintiff to dismiss a case without a court order. [Rule 41\(a\)\(1\)\(A\)](#) reads, in pertinent part,

[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.

[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, Plaintiffs indicate the parties stipulate to dismissing this action with prejudice. Plaintiffs further indicate all parties will bear its/their own attorneys' fees and costs. A review of the docket, reveals that no defendant has appeared in this action. Since, no defendant has filed an answer or motion for summary judgment, the Court finds this matter is due to be dismissed pursuant to [Rule 41\(a\)\(1\)\(A\)\(i\)](#).

Accordingly, it is now

ORDERED:

Pursuant to the Voluntary Dismissal with Prejudice ([Doc. #11](#)) and [Rule 41\(a\)\(1\)\(A\)\(i\)](#), the Complaint ([Doc. #1](#)) is **DISMISSED with prejudice**. The Clerk is directed to close the file, terminate any and all pending motions, and enter judgment accordingly.

DONE and **ORDERED** in Fort Myers, Florida this 29th day of October, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record