

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

LISA COOPER, an individual

Plaintiff,

v.

Case No: 2:14-cv-633-FtM-38DNF

BROOKDALE SENIOR LIVING
COMMUNITIES, INC.,

Defendant.

ORDER¹

This matter comes before the Court on Joint Stipulation of Dismissal without Prejudice ([Doc. #10](#)) filed on December 17, 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 Lisa Cooper and Defendant Brookdale Senior Living Communities, Inc., indicate this matter is dismissed without prejudice. Both parties

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have signed the agreement. Therefore, this matter is due to be dismissed without prejudice pursuant to [Rule 41\(a\)\(1\)\(A\)\(ii\)](#).

Accordingly, it is now

ORDERED:

1. Pursuant to the parties' Joint Stipulation of Dismissal without Prejudice ([Doc. #10](#)) and [Rule 41\(a\)\(1\)\(A\)\(ii\)](#), the Complaint ([Doc. #1](#)) is **DISMISSED without 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 18th day of December, 2014.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record