

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

PATRICIA KENNEDY, individually

Plaintiff,

v.

Case No: 2:16-cv-722-FtM-99CM

PSM COLONIAL CROSSINGS, LLC,  
CREATIVE HAIRDRESSERS, INC.,  
THE PHILLY JUNCTION, INC. and  
MATTHEW THOMAS SALON, INC.,

Defendants.

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

This matter comes before the Court on the parties' Joint Notice of Settlement and Stipulation for Dismissal With Prejudice ([Doc. #25](#)) filed on November 18, 2016. Plaintiff and Defendant PSM Colonial Crossings, LLC have settled this matter, resolving all claims between them that were and could have been brought in this action. Therefore, they stipulate to dismissing all claims in this action with prejudice with attorneys' fees and costs to be disbursed as specified in the parties' settlement agreement. The parties also request that the Court retain jurisdiction over this matter in order to enforce the terms of the settlement agreement.

[Federal Rule of Civil Procedure 41\(a\)\(1\)\(A\)\(ii\)](#) allows a plaintiff to dismiss an action voluntarily if a stipulation of dismissal is signed by all parties who have appeared. This

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dismissal is effective upon filing and requires no further action by the Court. See [Anago Franchising, Inc. v. Shaz, LLC](#), 677 F.3d 1272, 1278 (11th Cir. 2012). In compliance with Rule 41(a), the Court dismisses this case with prejudice. However, it declines to retain jurisdiction as requested.<sup>2</sup>

Accordingly, it is now

**ORDERED:**

(1) The parties' Joint Notice of Settlement and Stipulation for Dismissal With Prejudice ([Doc. #25](#)) is **GRANTED in part and DENIED in part** to the extent that the above-captioned case is **DISMISSED with prejudice** against Defendant PSM Colonial Crossing, LLC ONLY; otherwise, the parties' request that the Court retain jurisdiction is denied.

(2) The Clerk is **DIRECTED** to enter judgment accordingly, and terminate defendant PSM COLONIAL CROSSINGS, LLC from the docket. **This case shall remain open as to the remaining defendants.**

**DONE** and **ORDERED** in Fort Myers, Florida this 18th day of November, 2016.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record

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<sup>2</sup> The parties' filing is ambiguous as to whether this matter has been settled as to all Defendants. If the matter has completely settled, all parties and their attorneys who have appeared must sign and file a stipulation of dismissal.