

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MILLER'S FURNITURE OF MERCER
COMPANY, a Pennsylvania
Corporation, individually and as the
representative of a class of similarly-
situated persons

Plaintiff,

v.

Case No: 2:17-cv-456-FtM-38CM

BANNER LIFE INSURANCE
COMPANY, WILLIAM PENN LIFE
INSURANCE COMPANY OF NEW
YORK, DJM ADVISORY GROUP
LLC, DONALD QUIRKE and JOHN
DOES 1-12,

Defendants.

ORDER¹

This matter comes before the Court the Stipulation of Dismissal With Prejudice ([Doc. 75](#)) filed on January 11, 2018. [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 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 \(11th Cir. 2012\)](#). Here, Plaintiff and Defendants Banner Life Insurance Company, William Penn Life

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Insurance Company of New York, DJM Advisory Group LLC, and Donald Quirke, stipulate to dismissing this case with prejudice. Although the Stipulation does not include dismissal of claims against Defendants John Does 1-10, these Defendants have not been named nor served, and the time to do so has long since passed. Therefore, the Court will terminate these unnamed defendants.

Accordingly, it is now

ORDERED:

(1) This action is **DISMISSED with prejudice**, and the Clerk of Court is directed to enter judgment accordingly, terminate all pending motions and deadlines, and close the file.

(2) The Clerk is further directed to terminate Defendants John Does 1-12.

DONE and **ORDERED** in Fort Myers, Florida this 11th day of January, 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record