

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ARCADIA DEVELOPMENT LLC,

Plaintiff,

v.

Case No: 2:17-cv-552-FtM-38MRM

WINN-DIXIE STORES, INC. and
WINN-DIXIE STORES LEASING,
LLC,

Defendants.

ORDER¹

This matter comes before the Court on Plaintiff Arcadia Development LLC and Defendants Winn-Dixie Stores, Inc. and Winn-Dixie Stores Leasing, LLC's Stipulation of Dismissal with Prejudice. ([Doc. 43](#)). As the parties have settled this case, they stipulate to dismissing all claims in this action with prejudice and with each side to bear its own fees and costs. The parties also request 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 dismissal is effective upon filing and requires no further action by the Court. See [Anago](#)

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. 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 websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. 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.

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. The Court, however, declines to retain jurisdiction as requested.


Accordingly, it is now

ORDERED:

Plaintiff Arcadia Development LLC and Defendants Winn-Dixie Stores, Inc. and Winn-Dixie Stores Leasing, LLC's Stipulation of Dismissal with Prejudice ([Doc. 43](#)) is **GRANTED in part and DENIED in part.**

- (1) The above-captioned case is **DISMISSED with prejudice**, and the Court declines to retain jurisdiction over this case in order to enforce the parties' settlement agreement.
- (2) The Clerk of Court is **DIRECTED** to enter judgment accordingly, terminate all pending motions and deadlines, and close the file.

DONE and ORDERED in Fort Myers, Florida this 26th day of March, 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record