

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JOHANNES ROTERS and MECHTHILD
ROTERS,

Plaintiffs/Counter-
Defendants,

v.

Case No: 2:18-cv-20-FtM-99CM

GERARD J. FERGUSON,

Defendant/Counter-Plaintiff,
Third-Party Plaintiff,

v.

LAND CASTLE TITLE, LLC, and
WILLIAMSON AND SONS
MARINE CONSTRUCTION, INC.,

Third-Party Defendants.

ORDER¹

This matter comes before the Court on the Joint Stipulation of Voluntary Dismissal of Third-Party Claims Against Third-Party Defendants, Land Castle Title, LLC and Williamson and Sons Marine Construction, Inc. ([Doc. 28](#)) filed on February 20, 2018. The parties have stipulated to the dismissal of the third-party claims asserted by Gerard J.

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.

Ferguson against Land Castle Title, LLC and Williamson and Sons Marine Construction, Inc. (Doc. 4). The Counterclaims asserted by Ferguson would remain pending.

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, the parties stipulate to dismissing the third-party claims without prejudice and with each side to bear their own attorney's fees and costs.

Accordingly, it is now

ORDERED:

(1) All third-party claims between Third-Party Plaintiff Gerard J. Ferguson and Third-Party Defendants Land Castle Title, LLC and Williamson and Sons Marine Construction, Inc. are **dismissed without prejudice**, with each side to bear their own attorney's fees and costs. Finding no just cause for delay, the Clerk shall enter judgment accordingly and terminate Third-Party Defendants Land Castle Title, LLC and Williamson and Sons Marine Construction, Inc. on the docket.

(2) Third-Party Defendant Land Castle Title, LLC's Motion to Dismiss or Strike Third-Party Complaint (Doc. 28) is **DENIED AS MOOT**.

DONE and **ORDERED** in Fort Myers, Florida this 7th day of March, 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record