

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

FEDERAL INSURANCE COMPANY, as  
subrogee of Melvin and Theresa  
Karmazin

Plaintiff,

v.

Case No: 2:18-cv-409-FtM-38CM

CONDITIONED AIR COMPANY OF  
NAPLES, LLC,

Defendant.

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

This matter comes before the Court on Plaintiff's Notice of Voluntary Dismissal with Prejudice ([Doc. 16](#)). Plaintiff seeks to dismiss this case pursuant to [Federal Rule of Civil Procedure 41\(a\)\(1\)\(A\)](#). Under Rule 41, a party may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or motion for summary judgment or by filing a stipulation of dismissal signed by all parties who have appeared. See [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)](#). Because Defendant answered the Complaint, Plaintiff can only dismiss the action under Rule 41 by filing a stipulation signed by all parties who have appeared. See [Fed. R. Civ. P. 41\(a\)\(1\)\(A\)\(ii\)](#). Plaintiff's Notice

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does not comply with this requirement and is thus ineffective. Should Plaintiff wish to dismiss this case, it must file a stipulation of dismissal signed by all parties who have appeared.

Accordingly, it is now

**ORDERED:**

Plaintiff's Notice of Voluntary Dismissal with Prejudice ([Doc. 16](#)) is **DENIED**.

**DONE** and **ORDERED** in Fort Myers, Florida this 6th day of August 2018.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record