

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

HORIZON BANK, NATIONAL
ASSOCIATION,

Plaintiff,

v.

Case No: 5:15-cv-584-Oc-30PRL

ALAN S. MUSIKANTOW,

Defendant.

ORDER

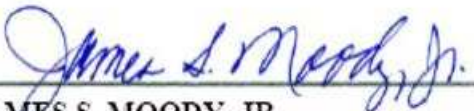
THIS CAUSE comes before the Court upon Plaintiff's Notice of Agreement to Condition (Doc. 21). On March 11, 2016, Plaintiff filed a motion to dismiss its case without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A). (Doc. 15). Defendant opposed the motion. (Doc. 16). After due consideration, the Court provisionally granted Plaintiff's motion, stating that the motion was granted only if Plaintiff agreed to pay the costs associated with the present action, including reasonable attorney's fees, in the event Plaintiff refiles its complaint. (Doc. 20). By its notice, Plaintiff indicates that it agrees to this condition. (Doc. 21).

Accordingly, it is hereby **ORDERED AND ADJUDGED:**

1. This case is DISMISSED without prejudice.
2. In the event Plaintiff refiles its complaint, Plaintiff must pay Defendant the costs associated with the present action, including reasonable attorney's fees.

3. The Clerk is directed to terminate all pending motions as moot and close this case.

DONE and **ORDERED** in Tampa, Florida, this 3rd day of May, 2016.



JAMES S. MOODY, JR.
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel/Parties of Record