

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

RUTH DENHAM,

Plaintiff,

v.

Case No. 6:12-cv-897-Orl-37TBS

VOLUSIA COUNTY, FLORIDA; and  
CORIZON HEALTH, INC.,

Defendants.

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**ORDER**

This cause is before the Court on the following:

1. Plaintiff's Motion for Voluntary Dismissal Without Prejudice (Doc. 26), filed August 5, 2013;
2. Defendant, Corizon Health, Inc.'s Response to Plaintiff's Motion for Voluntary Dismissal Without Prejudice and Memorandum of Law in Support Thereof (Doc. 31), filed August 18, 2013; and
3. Defendant Volusia County's Response to Plaintiff's Motion for Voluntary Dismissal Without Prejudice (Doc. 32), filed August 19, 2013.

Upon consideration, the Court finds that Plaintiff is entitled to a voluntary dismissal without prejudice. See Fed. R. Civ. P. 41(a)(2). Defendants have failed to demonstrate that dismissal would subject them to "clear legal prejudice, *other than the mere prospect of a subsequent lawsuit*" or that they would "lose any substantial right by the dismissal." *Pontenberg v. Boston Scientific Corp.*, 252 F.3d 1253, 1255–56 (11th Cir. 2001) (citations omitted). However, should Plaintiff subsequently file "an action based on or including the same claim against" Defendants, they may move for

reimbursement of appropriate costs at that time. See Fed. R. Civ. P. 41(d). Plaintiff's Motion for Voluntary Dismissal Without Prejudice is therefore due to be granted. All other remaining motions are denied as moot.

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

1. Plaintiff's Motion for Voluntary Dismissal Without Prejudice (Doc. 26) is **GRANTED**;
2. All remaining motions are **DENIED AS MOOT**;
3. All remaining deadlines are **TERMINATED** and all case management deadlines are **VACATED**;
4. The clerk is **DIRECTED** to close the file.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on September 9, 2013.

  
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ROY B. DALTON JR.  
United States District Judge

Copies:  
Counsel of Record