

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

CERTAIN UNDERWRITERS AT
LLOYD'S OF LONDON, UK
SUBSCRIBING TO
POLICY NO. B1230AP56189A14,

Plaintiff,

v.

Case No. 6:16-cv-258-Orl-37GJK

FIRE & LIFE SAFETY AMERICA, INC.;;
and OCEAN WALK RESORT
CONDOMINIUM ASSOCIATION, INC.,

Defendants.

ORDER

This cause is before the Court on its own motion.

On September 13, 2016, Plaintiff moved for partial summary judgment of its claims against Defendant Ocean Walk Resort Condominium Association, Inc. ("**Ocean Walk**") (Doc. 27 ("**Partial MSJ**").) After the matter had been fully briefed, the Court held a hearing on December 14, 2016. (See Doc. 96.) At the conclusion of the hearing, the Court deferred further consideration of the Partial MSJ until after the close of discovery, at which time the parties would be permitted to submit additional briefing. Discovery is now closed. (See Doc. 30, p. 3 (setting a discovery deadline of February 3, 2017).)

The Court also acknowledges that Defendant Fire & Life Safety America, Inc. ("**Fire & Safety**") remains a party to this action despite the joint notice of voluntary dismissal with prejudice filed at Doc. 92 ("**Joint Notice**"). As Defendant Fire & Safety neither answered the operative Complaint nor moved for summary judgment prior to the filing of the Joint Notice, the Court finds that dismissal is appropriate under Federal Rule

of Civil Procedure 41(a)(1)(A)(i).

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

1. On or before Thursday, **February 23, 2017**, the parties are **DIRECTED** to notify the Court whether they intend to: (1) submit additional briefing with respect to the Partial MSJ; or (2) rest on the current record for resolution of this motion.
2. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff's claims against Defendant Fire & Life Safety America, Inc. are **DISMISSED WITH PREJUDICE**, with each party to bear its own costs and fees.
3. The Clerk is **DIRECTED** to terminate Defendant Fire & Life Safety America, Inc. as a party to this action.

DONE AND ORDERED in Chambers in Orlando, Florida, on February 17, 2017.




ROY B. DALTON JR.
United States District Judge

Copies:

Counsel of Record