

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

DAVID BRISSON, TERRI BARFIELD,
ROBERT ORMORD, and on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

CASE NO: 8:08-cv-2491-T-26MAP

FORD MOTOR COMPANY,

Defendant.

ORDER

Upon due consideration, it is ordered and adjudged that Plaintiffs' Motion to Vacate (Dkt. 41) is denied. Contrary to Plaintiffs' counsel's unfounded accusation that this Court acted "impulsively" in granting Defendant's motion to vacate, the only effect of the Court's most recent order was to return this case to the legal status which it should have occupied, consistent with Eleventh Circuit precedent as embodied in Matthews v. Gaither, 902 F.2d 877 (11th Cir. 1990), at the instant Plaintiffs filed the notice of voluntary dismissal, nothing more, nothing less. Furthermore, it would be strange indeed if this Court were to lack the jurisdictional authority to vacate an order which it had no jurisdiction to issue in the first place.

DONE AND ORDERED at Tampa, Florida, on December 11, 2009.

s/Richard A. Lazzara

RICHARD A. LAZZARA
UNITED STATES DISTRICT JUDGE

COPIES FURNISHED TO:
Counsel of Record