

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
GAINESVILLE DIVISION

DEBORAH HOLLEY,

Plaintiff,

v.

CASE NO. 1:11-cv-00095-MP-GRJ

CITY OF HIGH SPRINGS,

Defendant.

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ORDER

This matter is before the Court on doc. 31, Notice of Voluntary Dismissal by Deborah Holley. The plaintiff indicates that this matter has been amicably resolved and all conditions of settlement have occurred. As such, the plaintiff gives notice, pursuant to Rule 41 of the Federal Rules of Civil Procedure, that she dismisses with prejudice all claims against the defendant, with each party to bear its own attorney's fees and costs.

Unless a notice of dismissal is filed before the defendant serves an answer or motion for summary judgment or a stipulation is signed by all parties who have appeared, the action may be dismissed at the plaintiff's request only by court order. See Fed. R. Civ. P. 41(a). Here, the defendant has answered the complaint but has not signed a stipulation of dismissal. Since the requested dismissal provides that each party is to bear its own attorney's fees and costs, the defendant's acceptance of these terms is required.

Accordingly, it is now **ORDERED** as follows:

1. If the terms are agreeable, the parties shall file a joint stipulation of dismissal on or before December 30, 2011.

DONE AND ORDERED this 23rd day of December, 2011.

s/ Gary R. Jones

GARY R. JONES
United States Magistrate Judge