

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA FLORIDA**

PENSACOLA FIREFIGHTER'S
RELIEF AND PENSION FUND
BOARD OF DIRECTORS,

Plaintiff,

vs.

CASE NO.: 3:09cv53/MCR/MD

MERRILL LYNCH, PIERCE, FENNER
& SMITH, INCORPORATED and
MICHAEL A. CALLAWAY,

Defendants.

_____ /

ORDER

This matter is before the undersigned on the Stipulation for Dismissal as to Defendant Michael A. Callaway, which was filed by plaintiff June 17, 2009. (Doc. 34). The Federal Rules of Civil Procedure provide that an action may be dismissed upon filing a stipulation of dismissal signed by all parties who have appeared in the action. Fed.R.Civ.P. 41(a)(1)(ii). As the stipulation does not contain a signature on behalf of all parties, dismissal cannot be entered. Pursuant to Rule 41(a)(1)(ii), plaintiff may file a stipulation for dismissal signed by all parties appearing in the action, or otherwise file a motion for dismissal under Rule 41(a)(2).¹

DONE this 17th day of June, 2009.

s/ M. Casey Rodgers

**M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE**

¹ Motions filed must be in compliance with N.D. Fla. Loc. R. 7.1(B).