

IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF GEORGIA  
AUGUSTA DIVISION

DONEGAL MUTUAL INSURANCE  
COMPANY,

Plaintiff,

v.

PROLECTRIC ELECTRICAL  
CONTRACTORS, CHRISTOPHER  
DURHAM, DALE SMITH, WARREN  
SCHMINDT, JOHN WAYNE, and  
TIMOTHY WAYNE DURHAM,

Defendants.

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CV 117-116

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**O R D E R**

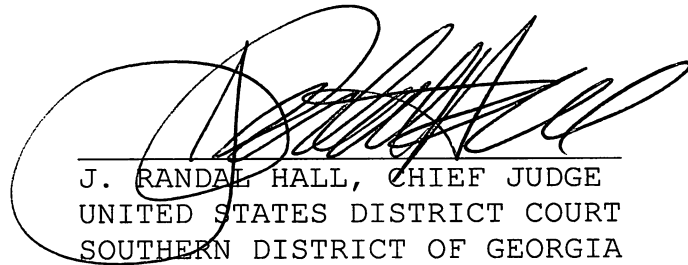
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Presently before the Court is Plaintiff's Notice of Dismissal Without Prejudice. (Doc. 21.) Plaintiff attempts to voluntarily dismiss "all of the claims in the pending action without prejudice" pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (Id.) Rule 41(a)(1)(A)(i) states that a "plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment . . . ."

At least one defendant, Prolectric Electrical Contractors, has filed an answer. (Doc. 16.) Thus, Plaintiff may not voluntarily dismiss all claims in the pending action under Rule 41(a)(1)(A)(i). If Plaintiff desires to dismiss all claims, it

must look to other sections of Rule 41. Or, if Plaintiff wishes to dismiss only those parties who have not yet filed an answer or motion for summary judgement, it must specify for the Court the parties it wishes to dismiss.

**ORDER ENTERED** at Augusta, Georgia, this 30<sup>th</sup> day of November, 2017.



J. RANDAL HALL, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA