

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

JOHN ANDERSON and ANTHONY
OLIVER,

Plaintiffs,

v.

COX COMMUNICATIONS GEORGIA,
LLC; TD BANK US HOLDING COMPANY;
PREMIER BANKCARD, LLC; TARGET
CORPORATION; and DOES 1 through
20, inclusive,

Defendants.

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CV 416-255

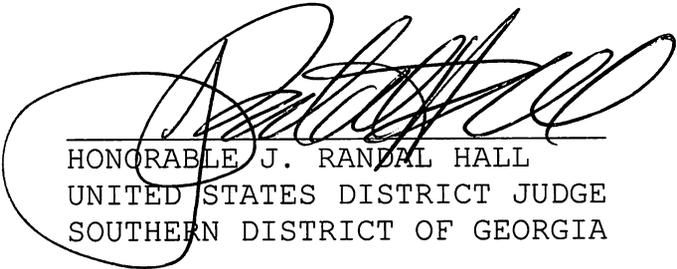
O R D E R

Presently before the Court is Plaintiff Anthony Oliver's notices of dismissals without prejudice in regards to Defendants Target Corporation (doc. 16), TD Bank US Holding Company (doc. 17), and Premier Bankcard, LLC (doc. 18).¹ Plaintiff Oliver's notices of dismissal were filed prior to the aforementioned Defendants having served either an answer or a motion for summary judgment. Upon due consideration, this Court finds that dismissal is appropriate under Federal Rule of Civil Procedure 41(a)(1). See Carter v. United States, 547 F.2d 258, 259 (5th Cir. 1977) ("[A] plaintiff has an absolute right to dismiss a lawsuit before the defendant has filed an answer or summary judgment motion" and a defendant's filing of a motion to dismiss

¹ On November 18, 2016, the Court entered an Order dismissing with prejudice Plaintiffs' claims against Defendant Berlin-Wheeler, Inc. (Doc. 15.)

does not terminate that right). **IT IS THEREFORE ORDERED** that Plaintiff Anthony Oliver's claims against Defendants Target Corporation, TD Bank US Holding Company, and Premier Bankcard, LLC are **DISMISSED WITHOUT PREJUDICE**. Plaintiff John Anderson's claims against the aforementioned Defendants, however, shall remain unaffected by the instant dismissal.

ORDER ENTERED at Augusta, Georgia, this 19th day of December, 2016.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA