

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

WILLIAMS & HAUPT, P.C., individually and
on behalf of a class of similarly situated
businesses and individuals,

Plaintiff,

v.

CENTURY BANK, et al.,

Defendants.

CIVIL ACTION NO.: 4:20-cv-160

ORDER

Before the Court is the Notice of Dismissal of Less Than All Parties Without Prejudice, filed by Plaintiff on August 28, 2020. (Doc. 43.) In the filing, Plaintiff notifies the Court of its voluntary dismissal, without prejudice, of all claims asserted against Defendants Century Bank and Century Bank and Trust Company, neither of whom have filed an answer or a motion for summary judgment in the case. (Id.) Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff may dismiss an action by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Because the specified Defendants have not filed answers or motions for summary judgment in this case, the Court **GRANTS** Plaintiff’s request, (doc. 43), and **DISMISSES** Defendants Century Bank and Century Bank and Trust Company without prejudice. See Plains Growers, Inc. v. Ickes-Braun Glasshouses, Inc., 474 F.2d 250, 255 (5th Cir. 1973) (“[R]eading the rules governing dismissal by notice and dismissal by motion together, we conclude that it was intended by the rule-makers to permit dismissal against

such of the defendants as have not served an answer or motion for summary judgment”).¹

The Court **DIRECTS** the Clerk of Court to update the docket accordingly.

SO ORDERED, this 9th day of September, 2020.



R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA

¹ In Bonner v. City of Prichard, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), the Eleventh Circuit adopted as binding precedent all decisions of the former Fifth Circuit handed down prior to October 1, 1981.