

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**PAM CONNER and FRANK MUEGGE,**

**Plaintiffs,**

**v.**

**FORD MOTOR COMPANY,  
VISTEON CORPORATION, and  
JOHNSON CONTROLS, INC.,**

**Defendants.**

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**FORD MOTOR COMPANY,**

**Third-Party Plaintiff,**

**v.**

**TIMOTHY SWINDELL,**

**Third-Party Defendant.**

**Case No. 07-cv-122-DRH**

**ORDER**

**HERNDON, Chief Judge:**

On June 4, 2009, the Court entered an Order (Doc. 177) staying this case due to defendant Visteon's bankruptcy filing (*see* Doc. 171). Shortly thereafter, Plaintiffs filed a Motion to Dismiss Defendants Visteon and Johnson Controls (Doc. 178) and a Motion to Lift Stay (Doc. 179). Plaintiffs have also since filed a Motion to Withdraw their original Motion to Dismiss defendant Johnson Controls and seek

only a voluntary dismissal of Visteon (Doc. 185) and have also filed their Amended Motion to Lift Stay (Doc. 187). The Court entered an Order for the Parties to this case to file their Response to these Motions, if any, no later than June 11, 2009 (Doc. 181). Since then, the only responding Party has been defendant Visteon, who consents to its dismissal by Plaintiffs without prejudice (Doc. 186).

Plaintiffs move for a voluntary dismissal without prejudice of defendant Visteon only, pursuant to **FEDERAL RULE OF CIVIL PROCEDURE 41(a)(2)**, which allows a plaintiff to dismiss its action against a defendant by court order, on terms that the court considers proper. In this case, Plaintiffs obviously seek to dismiss defendant Visteon because of its current bankruptcy proceedings which are resulting in a stay of these proceedings. Because there are no pending counterclaims filed by Visteon, because Visteon consents to the dismissal and because no other Parties have voiced an objection, the Court finds good cause to **GRANT** Plaintiffs' Motion to Voluntarily Dismiss defendant Visteon Without Prejudice (Doc. 185). Accordingly, defendant Visteon Corporation is hereby **DISMISSED WITHOUT PREJUDICE** from this matter, pursuant to **Rule 41(a)(2)**.

Because Visteon is no longer a party to this action and is the only Party to this case currently in bankruptcy proceedings, the Court finds no reason to continue the stay. As such, the Court also hereby **GRANTS** Plaintiffs' Amended Motion to Lift Stay of Bankruptcy (Doc. 187). In doing so, the Court **LIFTS** the Stay in this case. The Court **REFERS** this matter to Magistrate Judge Wilkerson to once

again commence discovery conferences as he sees fit. Lastly, the Court **FINDS AS MOOT** Plaintiffs' Motion to Dismiss Visteon and Johnson Controls (Doc. 178) and Plaintiff's initial Motion to Lift Stay (Doc. 179).

**IT IS SO ORDERED.**

Signed this 12<sup>th</sup> day of June, 2009.

/s/ David R. Herndon

**Chief Judge  
United States District Court**