

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KATHLEEN ROCHE , D.C., d/b/a/ BACK
DOCTORS, LTD., individually and on behalf
of others similarly situated,

Plaintiff,

v.

LIBERTY MUTUAL MANAGED CARE,
INC., LIBERTY MUTUAL INSURANCE
COMPANY, and LIBERTY MUTUAL FIRE
INSURANCE COMPANY d/b/a/LIBERTY
MUTUAL,

Defendants.

Case No. 07-cv-331-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff Kathleen Roche's Motion for Voluntary Dismissal (Doc. 66). Rule 41(a)(1)(A)(i) allows dismissal of an action by a plaintiff without a court order at any time before service by an adverse party of an answer or of a motion for summary judgment, whichever first occurs. Defendants have not filed an answer or motion for summary judgment in this case. Because the plaintiff has an absolute right to dismiss the action at the present time, the Court finds that this case is **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: March 13, 2009

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE