

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

TRUSTEES OF CENTRAL LABORERS'	)	
PENSION, WELFARE & ANNUITY FUNDS,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 08-cv-434-JPG
	)	
TED DENHAM, individually and d/b/a TED	)	
DENHAM MASONRY,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

THIS MATTER comes before the Court on the Plaintiff's Motion for Voluntary Dismissal (Doc. 8), which the Court construes as a Notice of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) filed by the plaintiffs. 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. The defendant has not filed an answer or motion for summary judgment in this case. Because the plaintiffs have an absolute right to dismiss this case at the present time, the Court finds that this action is **DISMISSED with prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED: August 31, 2009**

s/ J. Phil Gilbert \_\_\_\_\_  
**DISTRICT JUDGE**