

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CYNDA D. CARNES, Personal Representative of  
the ESTATE OF JEANNE COREY, deceased,

Plaintiff,

v.

JOURNAL NEWS, INC. RETIREMENT PLAN  
and AETNA LIFE INSURANCE COMPANY,,

Defendants.

Case No. 08-cv-702-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Motion for Dismissal without prejudice (Doc. 11) pursuant to Federal Rule of Civil Procedure 41(a)(2) filed by the plaintiff. Rule 41(a)(2) provides that only the Court may dismiss an action after an adverse party has filed an answer or motion for summary judgment and in the absence of a stipulation of dismissal of an entire case from all the parties. The defendants do not object to dismissal without prejudice. The Court finds that dismissal without prejudice is appropriate in this case and therefor **GRANTS** the motion (Doc. 11), **DISMISSES** this case **without prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED: February 12, 2009**

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