

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

MARY E. READY, *as Independent
Administrator for the Estate of Raymond E.
Ready, Deceased,*

Plaintiff,

v.

GRAFTON FERRY BOAT COMPANY,
INC., *an Illinois Corporation,*

Defendant,

v.

AMERICAN FAMILY INSURANCE
COMPANY,

Respondent.

Case No. 09-cv-05-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on Defendant Grafton Ferry Boat Company, Inc.'s stipulation of dismissal (Doc. 37) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).¹ Rule 41(a)(1)(A)(ii) allows for dismissal without a court order upon the filing of a stipulation signed by all parties who have appeared in the case.

Here, all appearing parties have signed the stipulation. While the Court notes that Respondent American Family Insurance Company did not sign said stipulation, its signature is unnecessary to effectuate the stipulation's terms due to its peripheral relation to the case. *See Black's Law Dictionary* 1154 (8th ed. 2004) (defining "party" as "one by or against whom a

¹Grafton Ferry mislabeled its electronic submission as a "Notice of Voluntary Dismissal."

lawsuit is brought”). Accordingly, the Court **DISMISSES** this case **with prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: February 5, 2010

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