

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

HAL WAGNER STUDIOS, INC.,)
d/b/a WAGNER PORTRAIT GROUP,)

Plaintiff,)

vs.)

Case No. 09-CV-0031-MJR

KRIS ELLIOTT, PAM ELLIOTT,)
BRAD GUTIERREZ,)
CINDY HARGRAVE, ROBERT BRAY,)
PHIL WALKER, and)
SHARON VANSAGHI,)

Defendants.)

ORDER

On January 9, 2009, Plaintiff filed this action against Defendants Hargrave and Gutierrez, among others. On March 20, 2009, Plaintiff filed stipulations to voluntarily dismiss the action against Hargrave and Gutierrez (Docs. 106 & 107). However, because “all parties who have appeared” did not sign the stipulations, the Court construed the filings as motions to voluntarily dismiss pursuant to **FEDERAL RULE OF CIVIL PROCEDURE 41(a)(2)** (Doc. 109).

Rule 41(a)(2) provides that where the defendant has answered the complaint or filed a motion for summary judgment, “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” In its consideration of the motions, the Court directed any party wishing to oppose the dismissal of Hargrave and Gutierrez to respond no later than April 1, 2009.

Defendants Kris Elliott, Pam Elliott, and Sharon Vansaghi filed responses indicating that they have no objection to the dismissal of either Defendant (Docs. 110 & 111). Defendants

Bray and Walker have not filed any objection or response.

Accordingly, pursuant to Rule 41, the Court hereby **GRANTS** the motions to voluntarily dismiss (Docs. 106 & 107) and **DISMISSES** Defendants Hargrave and Gutierrez **with prejudice**.

IT IS SO ORDERED.

DATED this 3d day of April 2009.

s/ Michael J. Reagan
MICHAEL J. REAGAN
United States District Judge