

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KATHY BRADLEY and LOIS HESS,

Relators,

v.

Case No. 10-cv-562-JPG-PMF

RIPLEY COMPANY, INC. and CAPEWELL
COMPONENTS COMPANY, LLC,

Defendants.

UNITED STATES OF AMERICA,

Intervenor,

MEMORANDUM AND ORDER

This matter comes before the Court on the notice of dismissal with prejudice (Doc. 47) purportedly pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) filed by relators Kathy Bradley and Lois Hess. Rule 41(a)(1)(A)(i) allows a plaintiff to dismiss an action without a court order at any time before the opposing party serves an answer or a motion for summary judgment. The defendants have not served an answer or motion for summary judgment in this case, so it appears the relators have an absolute right to dismiss their claims at the present time. However, in *qui tam* actions such as this one, the real party in interest is the United States, and the United States has not joined in the notice of dismissal. To establish on the record the United States' position on dismissal of this action, the Court **ORDERS** the United States to respond to the notice on or before July 1, 2011.

IT IS SO ORDERED.
DATED: June 20, 2011

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