

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

KATHY BRADLEY and LOIS HESS,

Relators,

and

UNITED STATES OF AMERICA,

Intervenor,

v.

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

Defendants.

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

MEMORANDUM AND ORDER

This matter comes before the Court on the notice of dismissal with prejudice (Doc. 47) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) filed by relators Kathy Bradley and Lois Hess. The Court also considers the United States’ response (Doc. 49) to the notice in which it states that it does not object to voluntary dismissal so long as it is without prejudice to its ability to bring future claims based on the same conduct by the defendants.

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. Because the relators have an absolute right to dismiss the claims *as brought by them* at the present time, the Court finds that this action is **DISMISSED with prejudice** and **without costs** as to relators Kathy Bradley and Lois Hess, and that they no longer have the ability to bring claims based on the defendants’ alleged conduct in this case. The action is **DISMISSED without prejudice** to

the United States' and other relators' ability to bring future claims based on the same conduct by the defendants. The Court **DIRECTS** the Clerk of Court to enter judgment accordingly.

IT IS SO ORDERED.

DATED: June 28, 2011

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