

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

STEVEN R. RIPPEE and
LORI FERNANDEZ, *individually*
and on behalf of all others similarly situated,

Plaintiffs,

vs.

DISH NETWORK LLC,
a Colorado limited liability corporation,

Defendant.

Case No. 10-cv-957-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiffs Stephen Rippee and Lori Fernandez’s Notice of Voluntary Dismissal (Doc. 27), which seeks to dismiss all claims against Defendant Dish Network LLC (“Dish Network”) without prejudice.

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff has an absolute right to dismiss an action against an adverse party at any time before said party serves either an answer or a motion for summary judgment, whichever first occurs.

Here, Dish Network has yet to file either an answer or a motion for summary judgment. Accordingly, the Court acknowledges that this matter is at an end and **DIRECTS** the Clerk of Court to close the case file.

IT IS SO ORDERED
DATED: February 8, 2011

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