

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

TRIUMPHE CASUALTY COMPANY,

Plaintiff,

v.

Case No. 11-cv-1074-JPG-PMF

CHRISTINA GERLACH, DUANE  
GERLACH, JOEL LEIN, NEW YORK POPS,  
LLC, STATE FARM INSURANCE  
COMPANY and ALLSTATE INSURANCE  
COMPANY,

Defendants.

**MEMORANDUM AND ORDER**

This matter comes before the Court on the Motion to Voluntarily Dismiss with prejudice (Doc. 6) filed by plaintiff Triumphe Casualty Company, which the Court construes as a notice of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). 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 plaintiff has an absolute right to dismiss this case at the present time, the Court finds that this action is **DISMISSED with prejudice** and **DIRECTS** the Clerk of Court to close this case.

**IT IS SO ORDERED.**

**DATED: September 12, 2012**

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