

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

FIRST SPECIALTY INSURANCE
CORPORATION,

Plaintiff,

vs.

MIKE DOVER CORPORATION, AMANDA
J. STACEY, ESTATE OF JASON E.
STACEY, SOUTHERN MINERALS, INC.,
and SUPERIOR PROCESSING, INC.,

Defendants.

Case No. 12-cv-873-JPG

MEMORANDUM AND ORDER

This matter comes before the Court on the plaintiff First Specialty Insurance Corporation's stipulation of dismissal without prejudice (Doc. 39) pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(i) & (ii).

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), plaintiff may dismiss defendants by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Federal Rule of Civil Procedure 41(a)(1)(A)(ii) provides that "a plaintiff may dismiss an action without a court order by filing a stipulation of dismissal signed by all parties who have appeared." Here, defendants Superior Processing, Inc. and Southern Minerals, Inc. have not appeared in this case. Defendants Mike Dover Corporation, Amanda J. Stacey, and the Estate of Jason E Stacey have stipulated to the dismissal. Because plaintiff has an absolute right to dismiss this case pursuant to a notice and stipulation under Rules 41(a)(1)(A)(i) & (ii), the Court finds that the claims against all defendants are **DISMISSED**

without prejudice. As no parties remain in the present case, the Court **DIRECTS** the Clerk of Court to close this case.

IT IS SO ORDERED.

DATED: October 25, 2012

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