

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

UNUM LIFE INS. CO. OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 13-cv-0373-MJR-SCW
)	
JAMES M. TANKERSLEY,)	
)	
Defendant.)	

**ORDER ON PLAINTIFF'S
MOTION FOR VOLUNTARY DISMISSAL**

REAGAN, District Judge:

In April 2013, Unum Life Insurance Company filed suit in this Court, seeking to recover allegedly overpaid disability insurance benefits from James Tankersley (under an employee welfare plan issued by Unum). Defendant Tankersley answered in November 2013. Unum filed a motion for summary judgment, but the case was automatically stayed quickly thereafter when Tankersley filed a voluntary bankruptcy petition in the U.S. Bankruptcy Court for the Southern District of Illinois.

One month ago, the Bankruptcy Court issued an Order closing the bankruptcy case, after granting Defendant/Debtor Tankersley a discharge. Based on that discharge, Unum now moves the Court under Federal Rule of Civil Procedure 41(a)(2) to dismiss this matter without prejudice, each party to bear its own attorney's fees and costs. (Although the pleading was filed in cm/ecf as a "Notice," it was captioned, and is properly treated as, a motion under Rule 41(a)(2).) Defense counsel has advised the chambers of the undersigned Judge that Defendant Tankersley has no objection to Unum's motion for voluntary dismissal.

Finding good cause, the Court **GRANTS** Plaintiff Unum's motion for voluntary dismissal (Doc. 24). This case is dismissed without prejudice, each party to bear his/its own attorney's fees and costs.

IT IS SO ORDERED.

DATED May 2, 2014.

s/ Michael J. Reagan
Michael J. Reagan
United States District Judge