

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

THOMAS A. BARR and DIANE BARR,)	
)	
Plaintiffs,)	
)	
v.)	No. 13-cv-700-JPG-PMF
)	
ARVINMERITOR, INC., et al.)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter comes before the Court on the Motion for Voluntary Dismissal Under Rule 41 filed by the plaintiffs and signed by all defendants who have appeared (Doc. 30). The Court construes the motion as a notice of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) as to the defendants who have not answered or filed a motion for summary judgment and as a stipulation of dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) as to the defendants who have appeared. Rule 41(a)(1)(A)(i) allows a plaintiff to dismiss an action against a defendant without a court order at any time before the opposing party serves an answer or a motion for summary judgment. Rule 41(a)(1)(A)(ii) allows dismissal by a plaintiff without a court order by filing a stipulation signed by all parties who have appeared.

This filing effectively terminates this case. Therefore, the Court finds that this action is **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court to close this case, each party to bear its own costs.

IT IS SO ORDERED.

DATED: August 19, 2013

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