

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

THOMAS BUTLER and  
KIMBERLY BUTLER,  
individually and on behalf of  
all other similarly situated

Plaintiffs,

v.

WELLS FARGO BANK, N.A.,  
WELLS FARGO INSURANCE CO.,  
QBE INSURANCE CORPORATION,  
and FIRST INSURANCE AGENCY, INC.,

No. 13-cv-1057-DRH-SCW

Defendants.

**ORDER**

This cause comes before the Court pursuant to a Notice of Voluntary Dismissal (Doc. 56) filed by the parties under FEDERAL RULE OF CIVIL PROCEDURE 41(a)(1)(A)(ii). Although plaintiffs' complaint alleged claims on behalf of both nationwide and state-specific classes of plaintiffs, the Court failed to certify any class in this case.<sup>1</sup> Accordingly, it is hereby **ORDERED** that this case is **DISMISSED WITH PREJUDICE** and **WITHOUT COSTS**. The claims of the

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<sup>1</sup> Having not certified a class of plaintiffs in this action under FED. R. CIV. P. 23(b)(3), the parties need not seek the Court's approval of their settlement, voluntary dismissal, or compromise. See FED. R. CIV. P. 23(e).

putative class members are hereby **DISMISSED WITHOUT PREJUDICE**. The Clerk of the Court is **DIRECTED** to enter judgment in this case accordingly.

**IT IS SO ORDERED.**

Signed this 22nd day of January, 2015.

 Digitally signed by  
David R. Herndon  
Date: 2015.01.22  
11:47:27 -06'00'



**United States District Judge**