

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ASPEN SPECIALTY INSURANCE COMPANY,

Plaintiff,

v.

METRO EAST TITLE CORPORATION, KAREN
STEINKE, MARVIN STEINKE and WFG
NATIONAL TITLE INSURANCE COMPANY,

Defendants.

Case No. 13-cv-1118-JPG-DGW

MEMORANDUM AND ORDER

This matter comes before the Court on the Notice of Voluntary Dismissal of all claims against defendant Marvin Steinke (Doc. 23) pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) filed by plaintiff Aspen Specialty Insurance Company. 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. Defendant Marvin Steinke has not served an answer or motion for summary judgment in this case. Because the plaintiff has an absolute right to dismiss this case as against defendant Marvin Steinke at the present time, the Court finds that all claims in this case against defendant Marvin Steinke are **DISMISSED without prejudice** and **DIRECTS** the Clerk of Court to enter judgment accordingly at the close of the case. This voluntary dismissal renders **MOOT** defendant Marvin Steinke's motion to dismiss for failure to mediate (Doc. 19) and motion to stay (Doc. 20).

IT IS SO ORDERED.**DATED: January 17, 2014**

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