

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

DONALD GRAHAM and ROSEMARY)	
GRAHAM)	
)	
Plaintiffs,)	
)	Case No. 13-cv-1219-SCW
vs.)	
)	
A.W. CHESTERTON COMPANY et. al.,)	
)	
)	
)	

ORDER

WILLIAMS, Magistrate Judge:

Before the Court is Plaintiff's Stipulation of Dismissal of Defendant Joy Global Underground Mining LLC f.k.a. Joy Technologies LLC, (Doc. 116).

The Federal Rules of Civil Procedure permit a plaintiff to voluntarily dismiss claims without a court order by filing a stipulation for dismissal signed by all parties who have appeared. **Fed. R. Civ. P. 41(a)(1)(A)**. The parties have entered such a stipulation, and further indicated that the dismissal will be without prejudice. (Doc. 116). The case against the Joy Global Underground Mining is therefore **DISMISSED** without prejudice pursuant to Federal Rule 41(a)(1). All parties shall bear their own costs. Additionally, that Defendant's currently pending Motion to Dismiss for Lack of Subject Matter Jurisdiction (Doc. 64) is now **MOOT**.

For the foregoing reasons, the Clerk of the Court is **DIRECTED** to **DISMISS** Joy Global Underground Mining LLC, f.k.a. Joy Technologies LLC **without prejudice** pursuant to Doc. 116, Stipulation for Dismissal. Additionally, that Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction (Doc. 64) is **MOOT**.

IT IS SO ORDERED.
DATE: February 27, 2014

/s/ Stephen C. Williams
STEPHEN C. WILLIAMS
United States Magistrate Judge