

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

BRADLEY VANHOOSE,

Plaintiff,

v.

MICHAEL STARK, CHRIS FLYNN, DAVID W.
HORNACEK, JR. and CHRISTIE RASMUSSEN,

Defendants.

Case No. 14-cv-416-JPG-PMF

**MEMORANDUM AND ORDER
AND 60-DAY ORDER**

This matter comes before the Court on the motion to voluntarily dismiss defendants Chris Flynn, David W. Hornacek, Jr. and Christie Rasmussen with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2) filed by plaintiff Bradley Vanhooose (Doc. 38). Rule 41(a)(2) provides that only the Court may dismiss an action after an adverse party has filed an answer or motion for summary judgment and in the absence of a stipulation of dismissal of an entire case signed by all the parties. The Court finds no reason to deny the plaintiff's request since dismissal will be with prejudice. Accordingly, the Court **GRANTS** the motion (Doc. 38) and **DISMISSES** defendants Chris Flynn, David W. Hornacek, Jr. and Christie Rasmussen **with prejudice**.

Having been advised by counsel for the parties that the remaining claims in the above action have settled but that additional time is needed to consummate the settlement, the Court **DIRECTS** the Clerk of Court to enter judgment of dismissal of the entire with prejudice and without costs 60 days from the date of this order. Should the parties fail to consummate settlement within 60 days, they may petition the Court to delay entry of judgment until a later date. In light of the settlement, the Court **DENIES** all motions pending in this case **as moot** and **VACATES** all court dates in this case.

IT IS SO ORDERED.

DATED: November 19, 2014

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