

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

JOE HEMMER and NICOLE HEMMER,

Plaintiffs,

v.

PHILLIPS 66 COMPANY,

Defendant/Third-party Plaintiff,

v.

FEDERAL STEEL & ERECTION CO.,

Third-party Defendant.

Case No. 16-cv-1386-JPG-SCW

**MEMORANDUM AND ORDER**

This matter comes before the Court on the plaintiffs' written motion to voluntarily dismiss their claims without prejudice (Doc. 35) and on the defendant/third-party plaintiff's oral motion to dismiss its third-party claims without prejudice (*see* Doc. 36). The motions are made pursuant to Federal Rule of Civil Procedure 41(a)(2) and/or 41(c). 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. At a status conference May 18, 2018, the parties confirmed that they had no objection to the motions, which would result in dismissal of the entire case without prejudice. In the absence of any objection, the Court:

- **GRANTS** the motions to dismiss without prejudice (Docs. 35 & 36);
- **DISMISSES** this case **without prejudice**; and
- **DIRECTS** the Clerk of Court to enter judgment accordingly.

**IT IS SO ORDERED.**

**DATED: May 24, 2018**

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