

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

David Tharp, Board of Trustees)	
Chairman, and Douglas Robinson, Board)	
of Trustees Secretary, on behalf of)	
INDIANA/KENTUCKY/OHIO)	
REGIONAL COUNCIL OF)	
CARPENTERS PENSION FUND, <i>et al.</i> ,)	
)	
Plaintiffs,)	Case No. 2:12-CV-364 JD
)	
v.)	
)	
RUANE CONSTRUCTION, INC. and)	
MARK RUANE,)	
)	
Defendants.)	

OPINION AND ORDER

Now before the Court is the Plaintiffs' Rule 41(a)(2) motion to dismiss Count III and IV of the Complaint against Defendant Mark Ruane. [DE 19]. Neither of the Defendants has appeared in this action. The Court has previously granted default judgment as to Counts I and II, which were brought against Defendant Ruane Construction, Inc., but denied default judgment as to Counts III and IV, which were brought against Mark Ruane, on the basis that they were preempted by the Labor Management Relations Act. [DE 14, 17]. Following the denial of default judgment on Counts III and IV, the Court ordered the Plaintiffs to show cause why those counts should not be dismissed for failure to state a claim, but also permitted them to satisfy this obligation by voluntarily dismissing those counts. [DE 18].

Plaintiffs responded by filing the instant motion to dismiss, in which they seek dismissal of Counts III and IV without prejudice. Accordingly, the motion to dismiss [DE 19] is GRANTED, and Counts III and IV are dismissed without prejudice. Because the Court has

already entered judgment as to Counts I and II, this motion concludes this action, and the Clerk of the Court is DIRECTED to close this case.

SO ORDERED.

ENTERED: April 15, 2015

 /s/ JON E. DEGUILIO

Judge
United States District Court