

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

PRINCESS CROSS,)	
)	
Plaintiff,)	
)	
vs.)	CAUSE NO.: 2:17-CV-389-TLS
)	
THE CITY OF GARY and)	
OFFICER HUDSON,)	
)	
Defendants.)	

OPINION AND ORDER

This matter is before the Court on a Joint Stipulation for Dismissal [ECF No. 44] filed by the Plaintiff, Princess Cross, and Defendant, the City of Gary. The Parties submitted this filing under Federal Rule of Civil Procedure 41 but did not specify which provision of Rule 41 they intend to rely on. If presented appropriately, a joint motion to dismiss the case could be granted under Rule 41(a)(2). *See Gatling v. Nickel*, 275 F.R.D. 495 (E.D. Wis. 2011) (construing Rule 41(a)(2) to grant Courts the authority to dismiss individual claims at the request of both parties). But this filing is styled as a “stipulation.” And the only provision of Rule 41 that refers to a “stipulation” is 41(a)(1), which is not applicable here because the Parties seek only to dismiss the claims against Defendant City of Gary and not the entire action. *See Berthold Types Ltd. v. Adobe Sys. Inc.*, 242 F.3d 772, 776 (7th Cir. 2001) (noting that Rule 41(a)(1) speaks in terms of dismissing an action, not a claim); *see also Gatling*, 275 F.R.D. at 496.

The Joint Stipulation for Dismissal [ECF No. 44] is therefore DENIED WITHOUT PREJUDICE. The Plaintiff and Defendant City of Gary are ORDERED to make their next filing in this matter on or before December 16, 2019.

SO ORDERED on December 2, 2019.

s/ Theresa L. Springmann

CHIEF JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT