

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

CLAUDIA SOLIVAIS and ROBERT
SOLIVAIS,

Plaintiffs,

v.

IMPEL UNION, INC., DELTA CARRIER
GROUP, INC., and FILIP RISTOVSKI,

Defendants.

CAUSE NO. 2:18-CV-376-TLS

OPINION AND ORDER

This matter is before the Court on an Agreement of Dismissal of Robert Solivais [ECF No. 41], filed on August 24, 2021. The Seventh Circuit Court of Appeals has held that the proper procedure for dismissal of individual parties or claims is by the amendment of pleadings under Federal Rule of Civil Procedure 15(a) and not by dismissal under Federal Rule of Civil Procedure 41(a). *Taylor v. Brown*, 787 F.3d 851, 857–58, 858 n.9 (7th Cir. 2015) (explaining that “Rule 15(a) allows a plaintiff to amend his complaint—including by adding or dropping parties and claims—as a matter of right in some situations and by court order in others” and reminding district courts to use Rule 15(a) rather than Rule 41(a) for dismissal of individual claims); *see also* 6 Fed. Prac. & Proc. Civ. § 1479 (3d ed.).

Accordingly, the Court STRIKES the Agreement of Dismissal of Robert Solivais [ECF No. 41]. Pursuant to Federal Rule of Civil Procedure 15(a)(2), the Court GRANTS Plaintiff Claudia Solivais leave to file, on or before September 13, 2021, an amended complaint in order to drop Plaintiff Robert Solivais as a party.

SO ORDERED on August 27, 2021.

s/ Theresa L. Springmann
JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT