

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

MICHAEL BAKER,

Plaintiff,

v.

CAUSE NO.: 2:21-CV-44-TLS-APR

SUNCOKE ENERGY, INC. and INDIANA
HARBOR COKE COMPANY L.P. d/b/a
ARCELORMITTAL,

Defendants.

OPINION AND ORDER

This matter is before the Court on a Stipulation and Order Amending Plaintiff's Complaint and Case Caption, and Dismissing Defendant SunCoke Energy, Inc. with Prejudice [ECF No. 36], filed on October 11, 2021. The parties agree to dismiss Defendant SunCoke Energy, Inc. from this action pursuant to Federal Rule of Civil Procedure 15(a)(2). The parties also agree to amend the caption to correctly name the remaining defendant as Indiana Harbor Coke Company L.P. to replace "Indiana Harbor Coke Company L.P. d/b/a ArcelorMittal."

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 GRANTS the Stipulation and Order Amending Plaintiff's Complaint and Case Caption, and Dismissing Defendant SunCoke Energy, Inc. with Prejudice [ECF No. 36] pursuant to Federal Rule of Civil Procedure 15(a)(2). The Court ORDERS the Plaintiff file, on or before October 26, 2021, an amended complaint against Indiana Harbor Coke Company L.P. in order to drop Defendant SunCoke Energy, Inc. as a party.

SO ORDERED on October 13, 2021.

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