

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

CASSANDRA HARBOUR,

Plaintiff,

v.

PARKER HANNIFIN CORPORATION-
MEDICAL SYSTEMS DIVISION and
PARKER HANNIFIN CORPORATION,

Defendants.

CAUSE NO.: 2:23-CV-274-TLS-JPK

OPINION AND ORDER

This matter is before the Court on a Stipulation of Dismissal With Prejudice of Defendant Parker Hannifin Corporation–Medical Systems Division [ECF No. 14], filed on October 31, 2023. The parties stipulate to the dismissal of only Defendant Parker Hannifin Corporation–Medical Systems Division under Federal Rule of Civil Procedure 41(a)(1)(A)(ii). However, the Seventh Circuit Court of Appeals has explained 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 hereby STRIKES the Stipulation of Dismissal With Prejudice of Defendant Parker Hannifin Corporation–Medical Systems Division [ECF No. 14]. Pursuant to Federal Rule of Civil Procedure 15(a)(2), the Court GRANTS the Plaintiff leave to file, on or before November 16, 2023, an amended complaint to drop Parker Hannifin Corporation–Medical Systems

Division as a defendant.

SO ORDERED on November 1, 2023.

s/ Theresa L. Springmann

JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT