

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

THE TRUSTEES OF PURDUE
UNIVERSITY,

Plaintiff,

v.

VINTAGE BRAND, LLC and
SPORTSWEAR INC.,

Defendants.

CAUSE NO.: 4:20-CV-76-TLS-APR

OPINION AND ORDER

This matter is before the Court on a Stipulation of Dismissal without Prejudice [ECF No. 23], filed on December 14, 2020. Therein, the Plaintiff and Defendant Sportswear Inc. “stipulate to the voluntary dismissal of all claims brought in this action against Defendant Sportswear Inc. without prejudice and without costs or attorneys’ fees.”

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 court 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 Stipulation of Dismissal without Prejudice [ECF No. 23]. Pursuant to Federal Rule of Civil Procedure 15(a)(2), the Court GRANTS the Plaintiff leave to file, on or before December 30, 2020, an amended complaint against Defendant Vintage Brand,

LLC as the only remaining defendant in order to drop Defendant Sportswear Inc. as a party.

SO ORDERED on December 14, 2020.

s/ Theresa L. Springmann

JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT