

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

KIM CHAISSON

CIVIL ACTION

VERSUS

NO. 13-4271

TIGER TUGZ, LLC, ET AL

SECTION "N" (4)


ORDER AND REASONS

Before the Court is a motion for voluntary dismissal, filed by plaintiff pursuant to Fed. R. Civ. P. 41(a)(2), (**Rec. Doc. 9**).

“The purpose of Rule 41(a)(2) is primarily to prevent voluntary dismissals which unfairly affect the other side, and to permit the imposition of curative conditions.” *Manshack v. Southwestern Elec. Power Co.*, 915 F.2d 172, 174 (5th Cir. 1990) (quoting 9 C. WRIGHT & A. MILLER, FEDERAL PRACTICE AND PROCEDURE § 2364 at 165 (1971)) (internal quotations omitted). Thus, “courts have generally followed the traditional principle that dismissal should be allowed unless the defendant will suffer some plain legal prejudice other than the mere prospect of a second lawsuit.” *Id.* In this case, the defendant will suffer no unfair prejudice from the plaintiff’s voluntary dismissal. The case is eight weeks old. There has been no motion practice. The defendant’s sole objection is that the plaintiff will now proceed with his claim in the Middle District limitation action, which the defendant is seeking to have transferred to this District. This is not sufficient reason to deny the plaintiff the right to dismiss his claims. Accordingly,

IT IS ORDERED that the motion (**Rec. Doc. 9**) is **GRANTED**, and the plaintiff's claims are hereby **DISMISSED WITHOUT PREJUDICE**.

New Orleans, Louisiana, this 29th day of July, 2013.



KURT D. ENGELHARDT
United States District Judge