

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

ANGELIA C. RUSHING

VERSUS

ENTERPRISE RENT-A-CAR  
COMPANY, ET AL.

CIVIL ACTION

NO. 18-460-JWD-EWD

ORDER

Before the Court is Plaintiff's Notice of Dismissal Pursuant to FRCP 41(a)(1)(A)(i) (Doc. 16) in which Plaintiff attempts to dismiss his case without prejudice. This effort is opposed by defendant Nissan North America, Inc. (NNA), (Doc. 19), which has filed an answer. Plaintiff's Notice of Dismissal is denied as to NNA and EAN Holdings, LLC d/b/a Enterprise Rent-A-Car (incorrectly named as "Enterprise Holding Company Inc. d/b/a Enterprise Rent A Car), without prejudice to Plaintiff refile a dismissal with prejudice as to those defendants. NNA has demonstrated legal prejudice under F.R.C.P. 41(a)(2); specifically, NNA has shown effort and expense in preparing for trial and Plaintiff's insufficient explanation of the need for a dismissal without prejudice. *Elbaor v. Tripath Imaging, Inc.*, 279 F.3d 317, n. 3 (5th Cir. 2002).

Signed in Baton Rouge, Louisiana, on July 25, 2018.

  
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JUDGE JOHN W. deGRAVELLES  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA