

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

|                     |   |                           |
|---------------------|---|---------------------------|
| GWEN LARISON-SANTOS | ) |                           |
| Plaintiff,          | ) |                           |
|                     | ) |                           |
| vs.                 | ) | Case No.1:16-CV-12029-NMG |
|                     | ) |                           |
| BRIAN R. COOK       | ) |                           |
| &                   | ) |                           |
| DENISE BOISVERT     | ) |                           |
| Defendants          | ) |                           |

**MOTION TO DISMISS WITHOUT PREJUDICE**

NOW COMES THE PLAINTIFF, by and through counsel, and hereby Moves this Honorable Court to Dismiss this Case *without* Prejudice. In support whereof, Plaintiff states as follows:

1. The Plaintiff has been thwarted by non-substantive circumstances beyond her control and the progress of this case has been overwhelmed by matters not affecting the merits.
2. The plaintiff is "frank and practical enough to acknowledge some defect of form in their suit and to voluntarily dismiss their claim as a result without further waste of scarce judicial resources." Cannonball Fund, Ltd. v. Dutchess Capital Management, LLC, 84 Mass. App. Ct. 75, 88 (2013).
3. Thus, the Plaintiff seeks a voluntary dismissal at this time, *without* prejudice and in accordance with Cannonball Fund Ltd.

WHEREFORE, Plaintiff respectfully requests that the Court Dismiss the case withOUT prejudice forthwith.

Motion allowed. S/M Gorton, USDJ 4/6/17