

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MARK FAUGHN, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:14-CV-00245-BCW
)	
JPMORGAN CHASE BANK, NA,)	
)	
Defendant.)	

ORDER

Before the Court is Plaintiffs’ Motion for Dismissal Without Prejudice (Doc. #54). Plaintiffs seek leave to dismiss this case without prejudice. Defendant takes no position on this motion. After reviewing the premises of the motion, the record, and the applicable law, the Court grants the motion.

Federal Rule of Civil Procedure 41(a)(1)(A) provides that a plaintiff may dismiss an action without court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. Although there has been motion practice in this case, it does not appear that Defendant has filed an answer or motion for summary judgment. It therefore appears that Plaintiffs may dismiss this action without prejudice without court order.

Even if an order is necessary to dismiss this action, Rule 41(a)(2) states that, except as provided in Rule 41(a)(1), “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.” In determining whether to grant a plaintiff’s motion for voluntary dismissal, a district court should consider “whether the party has presented a proper explanation for its desire to dismiss; whether a dismissal would result in a waste of

judicial time and effort; and whether a dismissal will prejudice the defendants.” Mullen v. Heinkel Filtering Sys., Inc., 770 F.3d 724, 728 (8th Cir. 2014) (internal quotation omitted).

After considering these factors, the Court finds that dismissal without prejudice and without other conditions is proper. Plaintiffs explain that this case is in the relatively early stages (e.g., no discovery has taken place, etc.) and that they are seeking dismissal in part because they anticipate that a class will be certified in Hollis v. JPMorgan Chase Bank, N.A., No. 1:12-CV-10544 (D. Mass). Plaintiffs further explain that dismissal will serve the interests of judicial economy. The Court agrees with Plaintiffs on these issues and therefore grants Plaintiffs’ motion. Accordingly, it is hereby

ORDERED Plaintiffs’ Motion for Dismissal Without Prejudice (Doc. #54) is GRANTED. This action is DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED.

DATED: May 29, 2015

/s/ Brian C. Wimes

JUDGE BRIAN C. WIMES

UNITED STATES DISTRICT COURT