

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

KEN CARLSON,

Plaintiff,

vs.

TEAMSTERS UNION LOCAL 190,

Defendant.

CV 17-43-BLG-TJC

**ORDER**

Before the Court is Plaintiff Ken Carlson's Motion to Dismiss with Prejudice. (Doc. 25.) Plaintiff asserts that the parties have agreed to a dismissal with prejudice and requests an order granting same.

Because Defendant Teamsters Union Local 190 has filed both an answer (Doc. 5) and a motion for summary judgment (Doc. 12), Plaintiff may only voluntarily dismiss this case by way of order from the Court "on terms the court considers proper." Fed. R. Civ. P. 41(a)(2). Due to the present posture of this case, and especially Defendant's pending dispositive motion, the Court requires the signature of all interested parties before it will grant dismissal. Accordingly,

IT IS ORDERED that Plaintiff's motion is DENIED without prejudice. Plaintiff may refile his motion, provided it is accompanied by a stipulation for dismissal signed by representatives of all parties who have appeared in this case.

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DATED this 29th day of June, 2017.



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TIMOTHY J. CAVAN  
United States Magistrate Judge