

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:13-CV-534-F

CATHERINE FOLEY, )  
)  
)  
Plaintiff, )  
)  
)  
v. )  
)  
REPUBLIC AIRLINE, INC., et al. )  
)  
)  
Defendants )

**ORDER**

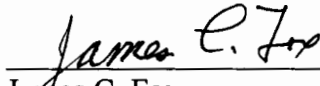
The court previously was informed by the court-appointed mediator in this action that the parties have reached a complete settlement of the claims in this matter, and that the plaintiff would be filing a voluntary dismissal with prejudice<sup>1</sup> on or before May 5, 2014. To date, no parties have taken action to dismiss this case.

Regardless, given the mediator's statement, the court orders that this action is DISMISSED without prejudice to either party to reopen should settlement not be consummated on or before May 22, 2014. Unless the case is reopened, counsel are DIRECTED to file their Joint Stipulation of Dismissal on or before that date. The Clerk of Court is DIRECTED to remove this matter from the undersigned's court calendar.

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<sup>1</sup> Because Defendants Frontier Airlines, Inc., and Republic Airlines, Inc., have filed Answers in this action [DE-9; DE-10], Plaintiff cannot unilaterally dismiss this action by filing a notice of voluntary dismissal. Instead, Plaintiff would have to file a motion to voluntarily dismiss her claims, or stipulation of dismissal. *See* Fed. R. Civ. P. 41.

SO ORDERED. This the 8th day of May, 2014.

  
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James C. Fox  
Senior United States District Judge