


factors such as the opposing party's effort and expense in preparing for trial, excessive delay and lack of diligence on the part of the movant, and insufficient explanation of the need for a voluntary dismissal, as well as the present stage of litigation." *Howard v. Inova Health Care Services*, 302 F.App'x 166, 178–79 (4th Cir. 2008).

After considering those factors, Vavrina's motion, Rule 41(a)(2), and all relevant matters, the Court concludes that DeVito has established that dismissal without prejudice is appropriate and there is no risk of prejudice to Vavrina or the remaining parties. Accordingly, the Court, in the exercise of its discretion, GRANTS DeVito's motion. Plaintiff's claims against Vavrina are dismissed without prejudice. In light of the dismissal of DeVito's claims against Vavrina, the Court finds that Vavrina's pending motion to dismiss and for judgment on the pleadings are moot.

For all these reasons, the Court **GRANTS** DeVito's motion [DE 25] and **ORDERS** as follows:

- DeVito's claims against Vavrina are **DISMISSED** without prejudice.
- Vavrina's motion to dismiss for failure to state a claim [DE 16] is **DENIED as moot**.
- Vavrina's motion for judgment on the pleadings [DE 19] is **DENIED as moot**.

SO ORDERED, this 25 day of March 2024.



TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE