

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION
No. 7:13-CV-86-F

MARIO PETRUZZO,)
)
)
Plaintiff,)
)
)
v.)
)
ONLINE INFORMATION SERVICES,)
INC.,)
)
Defendant.)

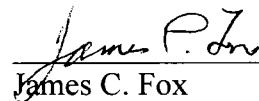
ORDER

On September 11, 2013, the parties filed a “Notice of Settlement” [DE-14] informing the court that they had reached a settlement in this matter and that the Plaintiff anticipated filing a notice of voluntary dismissal of the complaint. More than thirty days have passed, and neither party has taken further action in the case.

Accordingly, upon notice of the settlement from the parties, and in accordance with this court’s usual practice, this action is hereby DISMISSED without prejudice to either party to reopen should settlement not be consummated on or before December 2, 2013. Unless the case is reopened, counsel are DIRECTED to file their Joint Stipulation of Dismissal With Prejudice¹ on or before December 2, 2013. The Clerk of Court is DIRECTED to remove this matter from the undersigned’s court calendar.

¹ Because the Defendant has filed an answer in this action, Plaintiff cannot unilaterally dismiss this action by filing a notice of voluntary dismissal. *See* Fed. R. Civ. P. 41(a).

SO ORDERED. This the 17th day of October, 2013.

A handwritten signature in cursive script, appearing to read "James C. Fox", is written above a horizontal line.

James C. Fox
Senior United States District Judge