

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:22-cv-00158-MOC-WCM

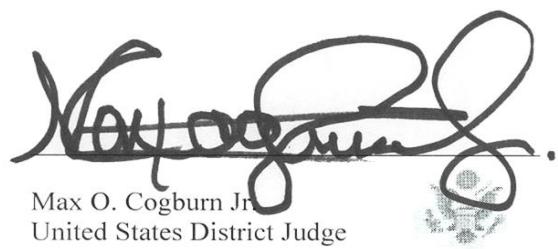
AMERICAN SAFETY UTILITY)	
CORPORATION,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
STATE AUTO PROPERTY AND CASUALTY)	
INSURANCE COMPANY)	
)	
)	
Defendant.)	
)	

THIS MATTER is before the court on Plaintiff's Unopposed Motion for a Voluntary Dismissal Without Prejudice. (Doc. No. 14). "A plaintiff's motion to voluntarily dismiss a claim should not be denied absent plain legal prejudice to the defendant." Ellett Bros., Inc. v. U.S. Fidelity & Guar. Co., 275 F.3d 384, 388 (4th Cir. 2001). Here, Plaintiff has conferred with Defendant, and Defendant does not oppose the motion to dismiss without prejudice. Therefore, pursuant to Federal Rule of Civil Procedure 41(a)(2), this Court will grant the motion.

ORDER

IT IS, THEREFORE, ORDERED that plaintiffs' Unopposed Motion for a Voluntary Dismissal Without Prejudice (Doc. No. 14) is **GRANTED** and accordingly this case is **DISMISSED** without prejudice. This case is **TERMINATED** and the parties shall bear their own costs.

Signed: November 18, 2022



A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.", is written over a horizontal line. To the right of the signature is a small, circular, textured emblem or seal.

Max O. Cogburn Jr.
United States District Judge