

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

**AMERICAN SAFETY UTILITY  
CORPORATION,**

**Plaintiff,**

**vs.**

**STATE AUTO PROPERTY AND CASUALTY  
INSURANCE COMPANY**

**Defendant.**

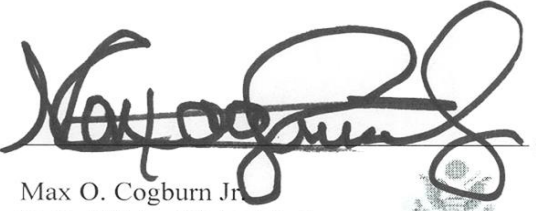
**ORDER**

**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



Max O. Cogburn Jr.  
United States District Judge

