

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION
CIVIL CASE NO. 2:14-cv-00039-MR-DLH**

**RENZA ECHOLS and ELEANOR
ECHOLS,**)
)
)
Plaintiffs,)
)
vs.)
)
**TODD W. DAVIS and DAVIS &
HALLAUER-FOX, a/k/a HILL STREET
ATTORNEYS, P.C.,**)
)
Defendants.)
_____)

ORDER

THIS MATTER is before the Court *sua sponte*.

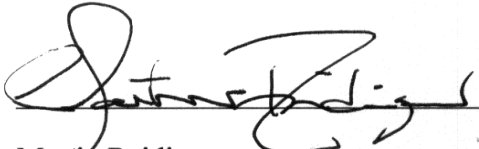
On July 10, 2015, the parties filed a report of mediation, advising that this matter had been completely settled. [Doc. 22]. The Court entered a Order directing the parties to file a stipulation of dismissal within thirty (30) days. [See Text-Only Order entered July 10, 2015]. On August 14, 2015, the Plaintiffs filed a Notice of Voluntary Dismissal as to all Defendants. [Doc. 23].

Rule 41 of the Federal Rules of Civil Procedure provides that in order to dismiss a case, a notice of dismissal may be filed by a plaintiff before the opposing party has served either an answer or motion for summary

judgment. Fed. R. Civ. P. 41(a)(1)(i). In the event that an answer or summary judgment motion has been filed, the parties must file a stipulation of dismissal signed by all parties who have appeared in the action. Fed. R. Civ. P. 41(a)(1)(ii). Here, because the Defendants filed Answers, the Plaintiff's Notice of Voluntary Dismissal does not serve to dismiss the action.

IT IS, THEREFORE, ORDERED that the parties shall file a stipulation of dismissal within seven (7) days of the entry of this Order. Failure to file a stipulation within the time required will result in the dismissal of this action without further Order.

IT IS SO ORDERED.


Martin Reidinger
United States District Judge

