

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL DOCKET NO.: 5:02CV105-V

LARRY BLACK,)
Plaintiff,)
)
vs.)
)
F & S, LLC, et al.,)
Defendants.)
_____)

ORDER
Rule 41(a)(2) Dismissal

THIS MATTER is before the court upon an oral motion of Plaintiff Larry Black, through counsel, made in open court on October 8, 2008. Plaintiff Black moves for voluntary dismissal *without prejudice* of all remaining causes of action against Defendants F & S, LLC (a/k/a Fischer-Schindler, LLC), James F. Garro, and Sienna Financial, Ltd.¹

Under Rule 41(a)(2),

“[A]n action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper ... Unless the order states otherwise, a dismissal under this paragraph (2) is without prejudice.”

FED. R. CIV. P. 41(a)(2).

IT IS HEREBY ORDERED that Plaintiff’s claims with respect to Defendants F & S, LLC (a/k/a Fischer-Schindler, LLC), James F. Garro, and Sienna Financial, Ltd. are **DISMISSED without prejudice** pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

¹ Plaintiff’s Amended Complaint, filed August 6, 2004, alleged the following causes of action for each of these defendants: F & S, LLC - Counts 2, 3, 8 and 13; James F. Garro - Counts 1 - 13; and Sienna Financial, Ltd. - Counts 9, 11, 12-13. (Document #42)

Signed: October 9, 2008

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath the name.

Richard L. Voorhees
United States District Judge

