

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

Hulsing & Associates Architects, P.C., )  
)  
Plaintiff, )  
)  
vs. )  
)  
Joe Girard and The Joseph M. & Margaret )  
Ann Girard Family Trust, )  
)  
Defendants. )

**ORDER**

Case No. 1:16-cv-399

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Before the court is a “Motion and Memorandum to Voluntary Dismiss Defendants’ Professional Negligence Counterclaim” filed by defendants on February 21, 2017. Plaintiffs seek to voluntary dismiss their counterclaim against plaintiff without prejudice and without assessment of costs.

Approximately 37 days have passed since he filed his motion and the current defendants have yet to file a response or otherwise object. See D.N.D. Civ. L.R. 7.1(F) (“An adverse party’s failure to serve and file a response to a motion may be deemed an admission that the motion is well taken.”).

Accordingly, the court **GRANTS** defendants’ motion (Docket No. 23) and **DISMISSES** their professional negligence counterclaim without prejudice and without costs.

**IT IS SO ORDERED.**

Dated this 30th day of March, 2017.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr., Magistrate Judge  
United States District Court