

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

WILLIAM JACOBS, et al.,

Plaintiffs,

:

Case No. 3:10-cv-183

-vs-

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

:

WELLS FARGO AND COMPANY, et al.,

Defendants.

ORDER

This case is before the Court on Plaintiff's Motion for voluntary dismissal of Defendants Wells Fargo and Wachovia without prejudice (Doc. No. 18). The document is captioned "Notice of Voluntary Case Dismissal Without Prejudice," but in the body of the document Plaintiff moves for dismissal under Fed. R. Civ. P. 41(a)(2) and 41(a)(1)(B).

The Motion is denied for failure to comply with S. D. Ohio Civ. R. 7.3, without prejudice to its renewal after compliance.

For Plaintiff's counsel's information, the Court notes that Plaintiff is not entitled to dismiss under Fed. R. Civ. P. 41(a)(1)(B) because Defendants Wells Fargo and Wachovia have answered the Complaint (Doc. No. 10).

February 17, 2011.

s/ **Michael R. Merz**
United States Magistrate Judge