

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

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|-----------------------------------|---|------------------------|
| DARLA EARP, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. CIV-14-1195-D |
| |) | |
| EUCALYPTUS REAL ESTATE, LLC, |) | |
| DOVER GROUP, LLC, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

ORDER

Upon consideration of Plaintiff’s Notice of Dismissal of FLSA Representative Action Without Prejudice [Doc. No. 17], the Court finds that the Notice is ineffectual to accomplish a voluntary dismissal of Plaintiff’s action on behalf of similarly situated employees under the Fair Labor Standards Act (FLSA), 29 U.S.C. § 201 *et seq.*, because Defendants have already served answers to the Complaint. *See* Fed. R. Civ. P. 41(a)(1)(A)(i). The Court further finds that Plaintiff’s inadvertent error in filing her First Amended Complaint (*see* Notice, n.1) should be corrected by granting Plaintiff an additional opportunity to amend her pleading, as permitted by the Order of September 16, 2015.

IT IS THEREFORE ORDERED that Plaintiff is authorized to file, within 7 days from the date of this Order, a Second Amended Complaint that omits all allegations and references to a representative action under the FLSA.

IT IS SO ORDERED this 2nd day of October, 2015.

TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE

