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

CYNTHIA WILLIAMS, as Personal Representative of the Estate of Austin Vance, deceased,	))))	
Plaintiff,	))	
v.	))	Case No. CIV-17-1051-C
BOARD OF COUNTY COMMISSIONERS FOR CLEVELAND COUNTY, et al.,	)))))	
Defendants.	)	

ORDER OF DISMISSAL

Now before the Court are Plaintiff's Notices of Dismissal with Prejudice (Dkt. Nos. 73 & 74). These Notices are treated as Motions to Dismiss pursuant to Rule 41(a)(2).

The purpose of Rule 41 is "primarily to prevent voluntary dismissals which unfairly affect the other side, and to permit the imposition of curative conditions." Clark v. Tansy, 13 F.3d 1407, 1411 (10th Cir. 1993) (internal quotation marks and citations omitted). "Rule 41(a)(2) requires a court to review a motion by a plaintiff to dismiss a complaint if the action has proceeded beyond service of an answer or of a motion for summary judgment, and there is not unanimous agreement among all parties supporting the dismissal." Cnty. of Santa Fe, N.M. v. Pub. Serv. Co of N.M., 311 F.3d 1031, 1047 (10th Cir. 2002).

Here, the Notices of Dismissal with Prejudice state that the dismissal of the action is with prejudice and each party bears his or her respective costs, including attorneys' fees.

From the record, this Court notes that there has been no Objection or Response by Defendants that would alert the Court of a condition which would unfairly prejudice the litigants. As a result, this Court will dismiss this action with prejudice pursuant to Rule 41(a)(2).

Accordingly, the Notices of Dismissal with Prejudice (Dkt. Nos. 73 & 74), are treated as Motions to Dismiss, and they are GRANTED. The action is dismissed with prejudice and the parties are responsible for their respective costs. All other parties have been previously dismissed from this action and this Order resolves all issues against all parties. A separate judgment will issue.

IT IS SO ORDERED this 14th day of November.

ROBIN J. CAUTHRON
United States District Judge