

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

ARCENTO SHELTON and CARLOS
BALLENTINE,
Plaintiffs,
v.
HYUNDAI SUBARU OF NASHVILLE, INC.,
et al.,
Defendants.

No. 3:14-cv-01039
Judge Nixon
Magistrate Judge Knowles
JURY DEMAND

ORDER

Plaintiffs Arcento Shelton and Carlos Ballentine and Defendants Hyundai Subaru of Nashville, Inc., Martin Cadillac, Inc. d/b/a Martin Automotive Group, and Ron Reinhart have filed a Stipulation of Dismissal of Party ("Stipulation"), in which they stipulate to the dismissal of all claims against Defendant Martin Cadillac, Inc., from this case under Federal Rule of Procedure 41(a)(1)(a)(ii). (Doc. No. 18.) While Rule 41 allows for the voluntary dismissal of actions, the Sixth Circuit has recognized that Rule 21 is a more appropriate vehicle for a Court to dismiss a party from an ongoing action. See Letherer v. Alger Group, LLC, 328 F.3d 262, 265-66 (6th Cir. 2003), overruled on other grounds by Powerex Corp. v. Reliant Energy Servs., Inc., 551 U.S. 224, 231 (2007); see also AmSouth Bank v. Dale, 386 F.3d 763, 778 (6th Cir. 2004). Accordingly, pursuant to Rule 21, Defendant Martin Cadillac, Inc., is DISMISSED. Plaintiffs' claims against the other two Defendants remain intact.

It is so ORDERED.
Entered this 2nd day of July, 2014.

Handwritten signature of John T. Nixon
JOHN T. NIXON, SENIOR JUDGE
UNITED STATES DISTRICT COURT