

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

CAPITALPLUS EQUITY, LLC,

Plaintiff,

v.

Case No. 17-CV-639-JPS

GLENN RIEDER, INC.,

Defendant and
Third-Party Plaintiff,

v.

THE ESPINOSA GROUP, INC.,

Third-Party Defendant.

ORDER

On April 17, 2018, the parties filed two documents that, taken together, effect the dismissal of this action. The first is Defendant and Third-Party Plaintiff Glenn Rieder, Inc.'s notice of voluntary dismissal of its third-party complaint against Third-Party Defendant The Espinosa Group, Inc. (Docket #37). It dismisses those claims without prejudice. *Id.* Because The Espinosa Group, Inc. has not served a responsive pleading to the third-party complaint and trial in this matter has not begun, the Court will adopt the notice of voluntary dismissal. Fed. R. Civ. P. 41(c).

Likewise, the Court will adopt the second dismissal document, which is the parties' joint stipulation of dismissal of Plaintiff CapitalPlus Equity, LLC's complaint. (Docket #38). That stipulation provides that the complaint is to be dismissed with prejudice, with each party to bear its own costs and attorney's fees. *Id.* The Court will adopt this stipulation. *See* Fed. R. Civ. P. 41(a)(1)(A)(ii).

Accordingly,


IT IS ORDERED that Defendant and Third-Party Plaintiff Glenn Rieder, Inc.'s notice of voluntary dismissal of its third-party complaint against Third-Party Defendant The Espinosa Group, Inc. (Docket #37) be and the same is hereby **ADOPTED**; the third-party complaint (Docket #4) be and the same is hereby **DISMISSED without prejudice**, each party to bear its own costs and attorney's fees;

IT IS FURTHER ORDERED that the parties' stipulation of dismissal of Plaintiff CapitalPlus Equity, LLC's complaint (Docket #38) be and the same is hereby **ADOPTED**; the complaint (Docket #1) be and the same is hereby **DISMISSED with prejudice**, each party to bear its own costs and attorney's fees; and

IT IS FURTHER ORDERED that this action be and the same is hereby **DISMISSED**.

Dated at Milwaukee, Wisconsin, this 17th day of April, 2018.

BY THE COURT:



J.P. Stadtmueller
U.S. District Judge