

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

MILLER'S FURNITURE OF MERCER  
COMPANY, a Pennsylvania  
Corporation, individually and as the  
representative of a class of similarly-  
situated persons

Plaintiff,

v.

Case No: 2:17-cv-456-FtM-38CM

BANNER LIFE INSURANCE  
COMPANY, WILLIAM PENN LIFE  
INSURANCE COMPANY OF NEW  
YORK, DJM ADVISORY GROUP  
LLC, DONALD QUIRKE and JOHN  
DOES 1-12,

Defendants.

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**ORDER**<sup>1</sup>

This matter comes before the Court the Stipulation of Dismissal With Prejudice ([Doc. 75](#)) filed on January 11, 2018. [Federal Rule of Civil Procedure 41\(a\)\(1\)\(A\)\(ii\)](#) allows a plaintiff to dismiss an action voluntarily if a stipulation of dismissal is signed by all parties who have appeared. This dismissal is effective upon filing and requires no further action by the Court. See [Anago Franchising, Inc. v. Shaz, LLC](#), 677 F.3d 1272, 1278 (11th Cir. [2012](#)). Here, Plaintiff and Defendants Banner Life Insurance Company, William Penn Life

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Insurance Company of New York, DJM Advisory Group LLC, and Donald Quirke, stipulate to dismissing this case with prejudice. Although the Stipulation does not include dismissal of claims against Defendants John Does 1-10, these Defendants have not been named nor served, and the time to do so has long since passed. Therefore, the Court will terminate these unnamed defendants.


Accordingly, it is now

**ORDERED:**

(1) This action is **DISMISSED with prejudice**, and the Clerk of Court is directed to enter judgment accordingly, terminate all pending motions and deadlines, and close the file.

(2) The Clerk is further directed to terminate Defendants John Does 1-12.

**DONE** and **ORDERED** in Fort Myers, Florida this 11th day of January, 2018.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record