

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

AUTO OWNERS INSURANCE
COMPANY,

Plaintiff,

v.

Case No: 2:18-cv-372-FtM-99MRM

KELLY EDMAN, FAB II, INC.,
EILEEN WHITT, BILLY WHITT and
STEPHEN HENKE,

Defendants.

ORDER¹

This matter comes before the Court on Plaintiff and Defendant Kelly Edman's Stipulation of Voluntary Dismissal ([Doc. 39](#)) and Plaintiff's Amended Notice of Dismissal ([Doc. 40](#)) filed on November 26, 2018. Plaintiff and Defendant Kelly Edman stipulate to the dismissal of this action without prejudice pursuant to [Federal Rule of Civil Procedure 41\(a\)\(1\)\(A\)\(i\)](#) and Plaintiff voluntarily dismisses Defendants Fab II, Inc., Eileen and Billy Whitt) pursuant to [Federal Rule of Civil Procedure 41\(a\)\(1\)\(A\)\(ii\)](#). As to Stephen Henke, who is the only remaining Defendant and filed an Answer *pro se*, Plaintiff states that it is attempting to meet and confer with him to finalize a Stipulation of Dismissal. Thus, the Court accepts the dismissal of all Defendants except Henke and seeing no just cause for

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delay, will enter judgment as to those Defendants. The Court will allow Plaintiff an additional 21 days to file a stipulation of dismissal for Defendant Henke, but if Plaintiff fails to do so this case will proceed against Henke.


Accordingly, it is now

ORDERED:

(1) Plaintiff's Stipulation of Voluntary Dismissal ([Doc. 39](#)) and Amended Notice of Dismissal ([Doc. 40](#)) are **granted** and this case is dismissed without prejudice as to Defendants Kelly Edman, Fab II, Inc., Eileen Whitt, and Billy Whitt. The Clerk is directed to enter judgment accordingly.

(2) This case remains open as to Defendant Stephen Henke. Plaintiff shall file a stipulation of dismissal as to Defendant Henke by **December 17, 2018**.

DONE and **ORDERED** in Fort Myers, Florida this 26th day of November, 2018.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record