

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**JOHNSON BROS. CORP.,**

**Plaintiff,**

**v.**

**Case No. 6:21-cv-200-JA-EJK**

**WSP USA, INC. and CDM  
SMITH, INC.,**

**Defendants.**

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**ORDER**

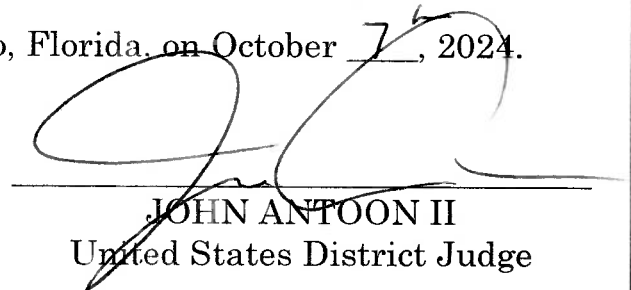
Plaintiff settled its claims with Defendant WSP USA, Inc. in June 2024. (Notice of Settlement, Doc. 208). On July 26, 2024, Plaintiff filed a Notice of Dismissal of Claims Against Defendant WSP, Inc. (Doc. 242). However, that Notice was signed only by Plaintiff and was ineffective on its own to dismiss the claims against WSP, Inc. because it was filed after answers and motions for summary judgment had been filed. *See* Fed. R. Civ. P. 41(a)(1)(A).

At the August 14, 2024 status conference, the Court pointed out that the Notice (Doc. 242) was not effective because it was not signed by all parties. (*See* Status Conference Tr., Doc. 269, at 22). A few hours later, Plaintiff filed a Stipulation of Dismissal (Doc. 254) of its claims against WSP USA, Inc. (Doc. 254). That Stipulation was signed by Plaintiff, WSP USA, Inc., and CDM Smith Inc. (*See id.*). However, it was not signed by Volusia County, which was the

original Defendant in this case but was dismissed in January 2023, (see Doc. 75). Under the law of this circuit, to be self-executing a Stipulation of Dismissal under Rule 41(a)(1)(A)(ii) must be signed by “all parties who have appeared,” including those who “h[ave] already been removed from [the] action.” *City of Jacksonville v. Jacksonville Hosp. Holdings, L.P.*, 82 F.4th 1031, 1038 (11th Cir. 2023).

Thus, Plaintiff's claims against Defendant WSP USA, Inc. remain pending. To dismiss these claims, Plaintiff may either file a stipulation of dismissal under Rule 41(a)(1)(A)(ii) signed by all parties who have appeared in this action or request dismissal by court order under Federal Rule of Civil Procedure 41(a)(2).

**DONE and ORDERED** in Orlando, Florida, on October 7, 2024.



JOHN ANTOON II  
United States District Judge

Copies furnished to:  
Counsel of Record