

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 09-81089-CIV-HURLEY/HOPKINS

JONATHAN E. PERLMAN,

Plaintiff,

v.

G&R AVIATION SERVICES, et al.,

Defendants.

ORDER OF CLOSE OUT

On October 26, 2010, the plaintiff filed a notice of voluntary dismissal without prejudice of his claims against G&R Aviation Services, et al. pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) [DE # 26]. A dismissal pursuant to Rule 41(a)(1)(A)(I) is appropriate any time before “the opposing party serves either an answer or a motion for summary judgment.” Since G&R Aviation Services filed an answer to the complaint, the court construes the instant notice as a motion to dismiss under Rule 41(a)(2), which provides that an “an action may be dismissed at the plaintiff’s request only by court order, on terms that the court considers proper.”


After review, it is hereby **ORDERED** and **ADJUDGED** that:

1. Plaintiff’s motion to dismiss its claims against defendant G&R Aviation Services pursuant to Rule 41(a)(2) [DE # 26] is **GRANTED**.
2. Plaintiff’s claims are **DISMISSED WITH PREJUDICE**.
3. Any pending motions not otherwise ruled upon are **DENIED AS MOOT**.
4. There being nothing further for the court to resolve, the Clerk is directed to enter this

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case as **CLOSED**.

DONE and **SIGNED** in Chambers at West Palm Beach, Florida, this 27th day of October, 2010.


Daniel T. K. Hurley
United States District Judge

Copies provided to counsel of record