

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

CINCINNATI SPECIALTY  
UNDERWRITERS INSURANCE  
COMPANY,

Plaintiff,

v.

Case No.14-2204 -JTM

SOLARIS POWER SERVICES, LLC, et al.

Defendants.

**MEMORANDUM AND ORDER**

Before the court is plaintiff Cincinnati Specialty Underwriters Insurance Company's Motion for Order of Dismissal (Dkt. 36). Solaris Power Services, LLC, ("Solaris") is the sole remaining defendant in this case. All other defendants have been dismissed for lack of personal jurisdiction. Plaintiff now moves to dismiss the action pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

Voluntary dismissal by a plaintiff after a defendant has answered the complaint is possible only by court order. FED. R. CIV. P. 41(a)(1)-(2). In such circumstances, the court may issue an order of dismissal at the plaintiff's request "on terms the court considers proper." FED. R. CIV. P. 41(a)(2). Here, Solaris answered the Amended Complaint, has not filed a counterclaim, and failed to respond to the motion. The court finds it proper to dismiss the action without prejudice.

IT IS ACCORDINGLY ORDERED this 9<sup>th</sup> day of December, 2014, that plaintiff's Motion for Order of Dismissal (Dkt. 36) is GRANTED.

s/ J. Thomas Marten  
J. THOMAS MARTEN, JUDGE