

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

KC FABRICK,

Plaintiff,

v.

Case No. 19-2136-DDC

ACUMEN ASSESSMENTS, LLC, et al.,

Defendants.

ORDER

Plaintiff, proceeding pro se, filed a notice of voluntary dismissal on July 12, 2019.¹ The notice was filed approximately two hours after the first answer was filed and served (via the court's electronic case notification system) in the case.² Accordingly, Fed. R. Civ. P. 41(a)(1), which allows a plaintiff to voluntarily dismiss his case before an opposing party serves either an answer or motion for summary judgment, does not apply and the notice of dismissal was without effect.

Nonetheless, it is clear plaintiff seeks to dismiss this case. It is therefore ordered that defendants shall file a response to this order by **August 2, 2019**, stating whether they

¹ ECF No. 26.

² ECF No. 21 (answer of John R. Whipple). Subsequently, answers were filed by Acumen Assessments, LLC, Peter Graham, Thomas Janousek, Michael Seely, Scott C. Stacy, and Carly Stevenson (ECF No. 30); and Forensic Truth Analysis, LLC, and Kipp Low (ECF No. 32).

object to plaintiff dismissing this case without prejudice, and if so, why (or whether any conditions should be imposed on such a dismissal).

Dated July 19, 2019, in Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge