

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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PARISH GOLDEN,

Plaintiff,

v.

GERALD BERGE and JON LITSCHER,

Defendants.  
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ORDER

03-C-0403-C

After plaintiff requested leave to dismiss this action voluntarily without prejudice, I entered an order dated December 19, 2003, telling plaintiff that because this case had progressed beyond its first stage, it would be unfair to defendants to allow him to dismiss the case and leave him free to force the defendants to defend the same lawsuit again in the future. I told plaintiff that I would allow him to dismiss the case voluntarily only if he agreed to a dismissal with prejudice. This court's December 19 order crossed in the mail with a letter from defense counsel stating that defendants had no objection to plaintiff's request for a dismissal without prejudice. Now plaintiff has requested reconsideration of the December 19 order.

Because defendants do not object to plaintiff's dismissal of this case without

prejudice, I will rescind the order of December 19, 2003, accept plaintiff's notice of voluntary dismissal as he submitted it and dismiss this case without prejudice.

ORDER

IT IS ORDERED that plaintiff's motion for reconsideration of the December 19, 2003 order is GRANTED and that order is RESCINDED.

Further, IT IS ORDERED that plaintiff's notice of voluntary dismissal is ACCEPTED and this case is DISMISSED, without prejudice.

Entered this 13th day of January, 2004.

BY THE COURT:

BARBARA B. CRABB  
District Judge