

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RAW FILMS, LTD. : CIVIL ACTION
 :
 v. :
 :
 JOHN DOES 1-15 : NO. 11-7248

ORDER

AND NOW, this 27th day of June, 2012, upon consideration of the letter of John Doe xx dated June 25, 2012 (to be docketed concurrent with this Order) raising certain arguments regarding circumstances under which the plaintiff filed its Notices of Voluntary Dismissal, the Court responds as follows.

The plaintiff filed a Notice of Voluntary Dismissal without prejudice on March 29, 2012 as to Does 1, 2, 3, 4, 5, 6, 7, 9, 11, 13, 14, and 15. On May 22, 2012, the plaintiff filed a Notice of Voluntary Dismissal without prejudice as to the remaining Doe defendants, 8, 10, and 12. In the interim, John Doe xx, the apparent author of the letter referred to above, had moved for reconsideration of the Court's order denying two motions regarding subpoenas that had been issued.

The letter raises concerns with the propriety of voluntary dismissal under the circumstances. At the time of filing, however, the plaintiff was permitted as a matter of right to dismiss its case against any defendant who had not answered or moved for summary judgment by filing a Notice of Dismissal with

the Clerk; such a notice operates without prejudice even if the Notice does not say so. Fed. R. Civ. P. 41(a)(1). No action was required by the Court to effectuate the dismissal. Nor can the Court "extinguish or circumscribe" the plaintiff's right, because "the notice terminates the action." 9 Wright & Miller, Federal Practice and Procedure § 2363 (3d ed. 2010) (internal citations omitted). Therefore, the Court can take no action on the Motion for Reconsideration and will take no action in connection with the letter.

In light of the foregoing, and whereas the two Notices of Dismissal were effective as to all fifteen defendants in the action, IT IS HEREBY ORDERED that the Clerk close this case.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.