

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Judge John L. Kane

Civil Action No. **1:11-cv-00133-JLK**

**RIGHTHAVEN LLC**, a Nevada Limited Liability Company  
Plaintiff,

v.

**DAVID ROZZELL.**, an individual,  
Defendant.

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**MINUTE ORDER**

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Judge John L. Kane ORDERS

Plaintiff Righthaven LLC has filed a Notice of Voluntarily Dismissal (doc. 24), purporting to voluntarily dismiss its complaint against Defendant David Rozzell, without prejudice. Although Federal Rule of Civil Procedure 41(a)(1)(A)(i) allows a party to voluntarily dismiss an action without a court order by filing a notice of dismissal before the opposing party has filed either an answer or a motion for summary judgment, that provision is not applicable in this case. Defendant David Rozzell filed an Answer (doc. 13) on April 26, 2011. Accordingly, this case shall remain open, and Righthaven shall show cause no later than October 7, 2011, as to why Summary Judgment should not enter against it in this case pursuant to Fed. R. Civ. P.

56(f)(3)

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Dated: October 7, 2011