

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 9:14-CV-81294-MIDDLEBROOKS/BRANNON

GREGORY HOLLIDAY, individually and  
on behalf of others similarly situated,

Plaintiff,

v.

ALBION LABORATORIES, INC.,  
VITACOST.COM, INC., DRVITA, INC.,  
And JOHN DOES 1 through 50,

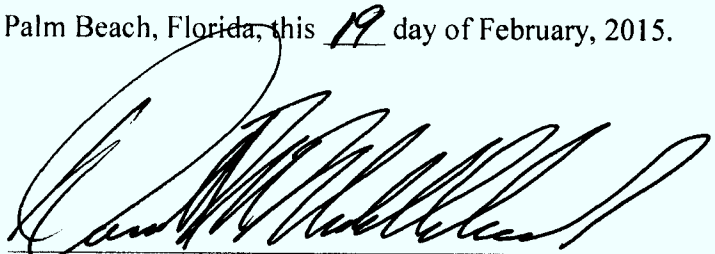
Defendants.

ORDER DISMISSING CASE AS TO DRVITA, INC.

THIS CAUSE comes before the Court upon Plaintiff Gregory Holliday's Notice of Voluntary Dismissal of DrVita, Inc. with Prejudice [DE 44] ("Notice"), filed February 17, 2015. Rule 41(a)(1) establishes that a plaintiff has an absolute right to dismiss a lawsuit before a defendant has filed an answer or a motion for summary judgment. Fed. R. Civ. P. 41(a)(1). Because Defendant DrVita, Inc. has not yet filed an answer or a motion for summary judgment in this case, it is hereby

**ORDERED AND ADJUDGED** that all of Plaintiff's claims against Defendant DrVita, Inc. are **DISMISSED WITH PREJUDICE**. The Clerk of Court shall **TERMINATE** DrVita, Inc. **ONLY** as a Defendant in this case.

**SO ORDERED** in Chambers at West Palm Beach, Florida, this 19 day of February, 2015.



DONALD M. MIDDLEBROOKS  
UNITED STATES DISTRICT JUDGE

Copies to: Counsel of Record