

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

JENNIFER SWEAT, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

Case No. 3:16-cv-940-J-34PDB

NBTY, INC.,

Defendant.

ORDER OF DISMISSAL

THIS CAUSE is before the Court on Plaintiff's Notice of Voluntary Dismissal (Dkt. No. 78; Notice) filed on October 20, 2017. In the Notice, Plaintiff requests dismissal of this matter without prejudice. See Notice at 1. Upon review of the docket, the Court notes that Defendant has neither served an answer nor a motion for summary judgment. Accordingly, pursuant to Rule 41(a)(1)(A)(i), Federal Rules of Civil Procedure, it is hereby

ORDERED:

1. This case is **DISMISSED without prejudice**.
2. The Clerk of the Court is directed to terminate all pending motions and close the file.

DONE AND ORDERED in Jacksonville, Florida this 23rd day of October, 2017.


MARCIA MORALES HOWARD
United States District Judge

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Copies to:

Counsel of Record