

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
MISSOURI, EASTERN DIVISION

**Kenneth S. Langendorf v. American Family Mutual Insurance  
Company, S.I.**

Langendorf · No. 4:25-cv-1732-MTS · Decided December 30, 2025

SUMMARY

The court held that Plaintiff’s unilateral Notice of Voluntary Dismissal was ineffective under Federal Rule of Civil Procedure 41(a)(1)(A) because Defendant had already filed an answer. The court ordered the Clerk to strike the notice and explained that Plaintiff could instead file a stipulation of dismissal or seek a court-ordered dismissal.

CASE DETAILS

|                    |                                                                                                                                                                         |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | United States District Court for the Eastern District of Missouri, Eastern Division                                                                                     |
| JURISDICTION       | United States District Court for the Eastern District of Missouri, Eastern Division                                                                                     |
| DECIDED            | December 30, 2025                                                                                                                                                       |
| DOCKET             | 4:25-cv-1732-MTS                                                                                                                                                        |
| DISPOSITION        | other                                                                                                                                                                   |
| PROCEDURAL POSTURE | The Court reviewed Plaintiff's Notice of Voluntary Dismissal, which purported to unilaterally dismiss the action without prejudice after Defendant had filed an answer. |
| STANDARD OF REVIEW | The Court reviewed the effectiveness of the purported voluntary dismissal under Federal Rule of Civil Procedure 41.                                                     |
| PRECEDENTIAL VALUE | unknown                                                                                                                                                                 |

TOPICS

- civil procedure
- pleadings

PRACTICE AREAS

- civil procedure
- insurance

## QUESTIONS PRESENTED

1. Whether a plaintiff may unilaterally dismiss an action without prejudice by notice under Federal Rule of Civil Procedure 41(a)(1)(A) after the defendant has filed an answer.
2. What procedural action the Court should take regarding the ineffective notice of voluntary dismissal.

## HOLDINGS

1. A plaintiff cannot unilaterally dismiss an action by notice under Federal Rule of Civil Procedure 41(a)(1)(A) after the defendant has filed an answer; the action remains pending unless the parties stipulate to dismissal or the Court orders dismissal.
2. The Clerk must strike Plaintiff's ineffective Notice of Voluntary Dismissal from the record, and the case remains live.

## KEY QUOTATIONS

*“A unilateral dismissal or amendment cannot be accomplished . . . after an answer has been filed.”* (at 1)

*“Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall STRIKE Plaintiff's Notice of Voluntary Dismissal, Doc. [16], from the record.”* (at 2)

## FACTUAL BACKGROUND

Plaintiff filed a Notice of Voluntary Dismissal seeking to dismiss the action without prejudice. Defendant had previously filed an answer in the case. Because an answer had been served, Plaintiff's unilateral notice did not satisfy the requirements for dismissal without a court order.

## PROCEDURAL HISTORY

Plaintiff filed a notice purporting to voluntarily dismiss the action without prejudice. Defendant had already filed an answer. The Court determined that the notice was ineffective under Federal Rule of Civil Procedure 41(a)(1)(A), ordered the Clerk to strike it from the record, and stated that Plaintiff could pursue dismissal by stipulation or court order.

## DISPOSITION

other

## CASES CITED

- Exxon Corp. v. Maryland Casualty Co., 599 F.2d 659, 661 (5th Cir. 1979)
- Wilson v. Crouse-Hinds Co., 556 F.2d 870, 873 (8th Cir. 1977)
- Welsh v. Correct Care, L.L.C., 915 F.3d 341, 344 (8th Cir. 2019)
- Armstrong v. Frostie Co., 453 F.2d 914, 916 (4th Cir. 1971)
- Perkins v. Frye, 151 F.4th 968, 971 (8th Cir. 2025)

