

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Charles Roane v. Haley Gosserand, et al.

Roane · No. 25-CV-3526-ABA · Decided February 24, 2026

SUMMARY

The United States District Court for the District of Maryland denied Charles Roane’s motion for voluntary dismissal without prejudice or, alternatively, a temporary stay. The court held that any voluntary dismissal would be with prejudice under the two-dismissal rule and instead granted Roane 45 days to respond to the defendants’ motion to dismiss.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Adam B. Abelson
JURISDICTION	United States District Court for the District of Maryland
DECIDED	February 24, 2026
DOCKET	25-CV-3526-ABA
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 41(a)(2) for voluntary dismissal without prejudice or, alternatively, for a temporary stay. The district court denied dismissal without prejudice, concluded that any dismissal would have to be with prejudice under the two-dismissal rule, denied an indefinite stay, and granted plaintiff 45 days to respond to defendants' motion to dismiss.
STANDARD OF REVIEW	The court applied the discretionary standard governing voluntary dismissal under Federal Rule of Civil Procedure 41(a)(2), focusing primarily on protection against unfair prejudice to defendants and considering the parties' effort and expense, delay or lack of diligence, the explanation for dismissal, and the stage of litigation.
PRECEDENTIAL VALUE	Unknown; memorandum opinion and order with no reporter citation.
PARTIES	Charles Roane v. Haley Gosserand, A&E Television Networks, LLC, Swirl Films, LLC, John Does 1-10

TOPICS

PRACTICE AREAS**QUESTIONS PRESENTED**

1. Whether plaintiff's request styled as a motion for voluntary dismissal under Rule 41(a)(2), rather than a notice under Rule 41(a)(1)(B), avoided application of the two-dismissal rule.
2. Whether dismissal, if granted, should be with or without prejudice.
3. Whether plaintiff demonstrated grounds for an indefinite stay based on his medical condition.
4. Whether plaintiff should receive additional time to respond to defendants' motion to dismiss.

HOLDINGS

1. Characterizing the request as a motion rather than a notice does not prevent application of the two-dismissal analysis; the relevant considerations are whether the dismissals are voluntary and whether defendants would be prejudiced.
2. If the court granted plaintiff's voluntary-dismissal request, the dismissal would be with prejudice rather than without prejudice.
3. Plaintiff did not demonstrate that an indefinite stay was appropriate at that time.
4. Plaintiff was granted an extension of 45 days from the date of the order to respond to defendants' motion to dismiss.

KEY QUOTATIONS

“But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits” (Discussion)

“The purpose of Rule 41(a)(2) is freely to allow voluntary dismissals unless the parties will be unfairly prejudiced.” (Discussion)

“While prejudice “does not result from the prospect of a second lawsuit,” it does from the prospect of having to respond to a third lawsuit.” (Discussion)

FACTUAL BACKGROUND

Roane alleged that he had a contract granting him the sole and exclusive right to approve or withhold approval of televised performances involving Haley Gosserand. He claimed that Gosserand, A&E, Swirl Films, and unidentified defendants breached the contract by using Gosserand's name, image, likeness, voice, and persona without his approval. Defendants had incurred effort and expense responding to an emergency motion in the prior federal action, removing the Maryland action, and filing a motion to dismiss. Roane sought dismissal without prejudice or a stay because of his medical treatments and alleged incapacity.

PROCEDURAL HISTORY

Plaintiff first filed a related action in the Southern District of New York and voluntarily dismissed it without prejudice. He then filed this action in Maryland state court; defendants A&E and Swirl Films removed it to the District of Maryland and filed a motion to dismiss. Plaintiff sought voluntary dismissal without prejudice or a stay based on medical incapacity. The court denied the requested dismissal and stay, while allowing additional time to respond to the motion to dismiss.

DISPOSITION

other

CASES CITED

- Manning v. South Carolina Department of Highway and Public Transportation, 914 F.2d 44, 47 & n.3 (4th Cir. 1990)
- Davis v. USX Corp., 819 F.2d 1270, 1273 (4th Cir. 1987)
- Lang v. Manufacturers & Traders Trust Co., 274 F.R.D. 175, 181 (D. Md. 2011)
- Howard v. Inova Health Care Services, 302 F. App'x 166, 178-79 (4th Cir. 2008)
- Miller v. Terramite Corp., 114 F. App'x 536, 540 (4th Cir. 2004)