

IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

CENTRAL STATES SOUTHEAST AND  
SOUTHWEST AREAS HEALTH AND WELFARE  
FUND, et al.,  
Plaintiffs,

vs.

Case No. 3:07cv335/RV/EMT

MELODY ROBIN LAWHON  
and BONITA C. LAWHON,  
Defendants.

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**ORDER**

This cause is before the court upon Defendant Melody Lawhon's "Certificate of Rule 26 Meeting and Withdrawal of Claim" (Doc. 34). Defendant Melody Lawhon states that she wishes to waive any and all claims to the proceeds interpled by Plaintiffs and requests that she be dismissed from this action without imposition of costs, and that she be held harmless from any liability (*id.*). The court construes Defendant Melody Lawhon's filing as a motion for voluntary dismissal with prejudice and without imposition of costs. Before the court rules on this matter, Defendant Bonita Lawhon will be required to respond to the motion.

Accordingly, it is **ORDERED**:

1. Defendant Bonita Lawhon shall respond to Defendant Melody Lawhon's motion for voluntary dismissal (Doc. 34) within **TWENTY (20) DAYS** from the date of docketing of this order.
2. Failure to comply with this order may result in a recommendation that the motion for voluntary dismissal be granted and that final judgment be entered in favor of Defendant Bonita Lawhon. *See* N.D. Fla. R. 7.1(C)(1).

**DONE AND ORDERED** this 6<sup>th</sup> day of November 2007.

/s/ Elizabeth M. Timothy

**ELIZABETH M. TIMOTHY**  
**UNITED STATES MAGISTRATE JUDGE**