

considering factors such as “(1) the opposing party’s effort and expense in preparing for trial; (2) excessive delay or lack of diligence on the part of the movant; (3) insufficient explanation of the need for a dismissal; and (4) the present stage of the litigation.” *Wilson v. Eli Lilly & Co.*, 222 F.R.D. 99, 100 (D. Md. 2004) (quoting *Teck General Partnership v. Crown Cent. Petroleum Corp.*, 28 F. Supp. 2d 989, 991 (E.D. Va. 1998)). Typically, a plaintiff’s motion to voluntarily dismiss a claim will not be denied absent “plain legal prejudice” to the defendant, *Ellett Bros., Inc. v. U.S. Fidelity & Guar. Co.*, 275 F.3d 384, 388 (4th Cir. 2001); indeed, the purpose of Rule 41(a)(2) is to freely allow voluntary dismissal, “unless the parties will be unfairly prejudiced,” *Davis v. USX Corp.*, 819 F.2d 1270, 1273 (4th Cir. 1987).

In this case, the plaintiff’s motion to dismiss was filed after the defendant’s motion to dismiss or for summary judgment, but also after the intervening event of the Consent Decree and before any discovery had been undertaken, only four months after suit had been filed. Given the promptness of the plaintiff’s motion and the lack of any significant prejudice to the defendant, the motion will be granted by separate order.

September 10, 2008
Date

/s/
Catherine C. Blake
United States District Judge

