Filing Dismissals

Applicable Rule:

- **Federal Rules of Bankruptcy Procedure Rule 7041. Dismissal of Adversary Proceedings**

A court order is not always required to dismiss an adversary proceeding. Rule 7041(a)(1)(A)(i) states that the plaintiff may dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment. Rule 7041(a)(1)(A)(ii) states all parties who have appeared may join together and dismiss an action by a joint stipulation of dismissal.

Before docketing the dismissal, double-check the following to avoid common errors:

- The style of the case contains the correct case information
- The body of the document cites the correct rule (plaintiff's dismissal or joint stipulation)
- The body of the document clearly states which parties are being dismissed
- The body of the document states whether the dismissal is with or without prejudice

Use the following docketing events to file dismissals:

Plaintiff's dismissal: Adversary > Notices > Dismissal in an adversary proceeding

Joint stipulation of dismissal: Adversary > Notices > Stipulated dismissal in an adversary proceeding

If there are no errors on the notice, the clerk will acknowledge the dismissal and close the adversary proceeding.