



## Quarles v. Kansas City Board of Public Utilities for the City of Kansas City

2004 | Cited 0 times | D. Kansas | March 5, 2004

### MEMORANDUM AND ORDER

Plaintiff Margaret Quarles filed a Complaint naming as defendants "Kansas City Board of Public Utilities for the City of Kansas City, Kansas and its elected board (six member) and its General Manager, Leon Daggett / and the Unified Government of Wyandotte County." In her Complaint, plaintiff alleged discrimination through failure to promote, unequal terms and conditions of employment, retaliation, and an ongoing pattern and practice of discrimination all due to her race and national origin, in violation of Title VII of the Civil Rights Act of 1964 (Title VII), 42 U.S.C. § 2000e et seq.

On December 16, 2003, the court granted in part and denied in part defendants' Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted. Pursuant to that order, the Unified Government of Wyandotte County/Kansas City, Kansas (the Unified Government) remained the only defendant. Plaintiff now requests the court to dismiss this action without prejudice and without accessing costs.

The Unified Government has filed an Answer and, as stated, previously filed a motion to dismiss, upon which the court ruled after full briefing. As such, plaintiff's request for dismissal falls under Rule 41(a)(2), pursuant to which the court may dismiss an action at the plaintiff's request "upon such terms and conditions as the court deems proper." Fed. R. Civ. P. 41(a)(2).

Plaintiff filed this action on April 11, 2003. Since that time, the Unified Government, as well as the former defendants, have expended a considerable amount of time, money, and effort in defending this lawsuit. Given the nature and progression of this case, the court determines that dismissal with prejudice is appropriate.

IT IS THEREFORE ORDERED that plaintiff's Motion for Leave for Dismissal (Doc. 32) is granted. This case is hereby dismissed with prejudice.

Dated this 5 day of March 2004, at Kansas City, Kansas.

