

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
IN AND FOR BROWARD COUNTY, FLORIDA

BRENDA FORMAN,

Petitioner,

v.

WILLIAM (BILL) GELIN,

Respondent.

DOMESTIC VIOLENCE DIVISION

CASE NO.: 2018-0008661

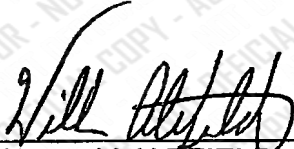
ORDER GRANTING PETITIONER'S MOTION TO CANCEL JANUARY 31, 2019 HEARING

THIS CAUSE, came before the Court on Petitioner, Brenda Forman's ("Forman") Motion to Cancel the January 31, 2019 hearing ("Motion") filed January 22, 2019 pursuant to Florida Rule of Civil Procedure 1.420(a)(1). The Court has reviewed Forman's motion and Respondent, William Gelin's ("Gelin") objection, and has considered the applicable authority and facts and circumstances of this case. This court originally sought to colloquy Forman as to whether she is filing this dismissal voluntarily and whether she has discussed the ramifications of a dismissal with her counsel.

In Forman's motion, Forman's counsel of record has represented that Forman has "made a deliberate and voluntary choice to bring this action to an end." This court is satisfied with the representation made by counsel. Florida Rule of Civil Procedure 1.420 provides Forman the vehicle to file a notice of dismissal without order of the court. Fla. R. Civ. P. 1.420 (a)(1). Upon Forman's filing and service of a Notice of Voluntary Dismissal Without Prejudice, this Court is divested of jurisdiction. *Tobkin v. State*, 777 So. 2d 1160, 1163 (Fla. 4th DCA 2001). See also, *Katke v. Bersche*, 161 So. 3rd 574, 576 (Fla. 5th DCA 2014).

WHEREFORE, for the reasons stated above, Petitioner's Motion to Cancel January 31, 2019 Hearing, is hereby **GRANTED**.

DONE and ORDERED in Chambers in Miami-Dade County, Florida, this 24th day of January, 2019.



WILLIAM ALTFIELD
Acting Circuit Court Judge

cc: Thomas H. Loffredo, Esq.
Edward Hoeg, Esq.