

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

SERENDIPITOUS LLC/MELT, et al., }

Plaintiffs, }

v. }

THE CINCINNATI INSURANCE COMPANY, }

Case No.: 2:20-cv-00873-MHH

Defendant.

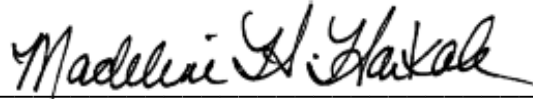
ORDER

Consistent with the Court’s ruling during the August 3, 2022 telephone conference in this matter, the Court denies the plaintiffs’ motion for voluntary dismissal without prejudice, (Doc. 76), and grants the defendant’s motion to dismiss with prejudice, (Doc. 77), in accordance with the Eleventh Circuit’s decision in *Dukes Clothing, LLC v. Cincinnati Insurance Co.*, 35 F.4th 1322 (11th Cir. 2022). *Dukes Clothing* is binding precedent for courts in this circuit, and only the Eleventh Circuit or the Supreme Court may overrule the decision.

The Court is sympathetic to the challenges the plaintiffs have faced because of COVID-19. But because the likelihood of an intervening change in law occurring within the plaintiffs’ six-year statute of limitations period is remote, the public

interest in finality of judgments counsels for dismissal of this action with prejudice. Should circumstances change significantly, the Court will consider Rule 60(b) arguments from the plaintiffs.

DONE and **ORDERED** this August 3, 2022.

A handwritten signature in black ink, reading "Madeline H. Haikala". The signature is written in a cursive style with a horizontal line underneath it.

MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE