

## IS A VOLUNTARY DISMISSAL WITHOUT PREJUDICE FINAL? SCOTUS WEIGHS IN

On February 26, 2025, the Supreme Court of the United States (the "Supreme Court") issued its **opinion** in *Waetzig v. Halliburton Energy Services, Inc.* It held that the voluntary dismissal of a federal lawsuit without prejudice, under Federal Rule of Civil Procedure 41(a), qualifies as a "final judgment, order, or proceeding" under Rule 60(b), which permits relief from final judgments. As a result, a court could reopen a case at a later date.

### BACKGROUND

Plaintiff Waetzig filed an employment discrimination lawsuit against his former employer, Halliburton, alleging age discrimination. However, prior to Halliburton's response to the lawsuit, the plaintiff voluntarily dismissed his case without prejudice under Rule 41(a)(1)(A)(i) to pursue an arbitration claim under his employment contract. The arbitrator ruled in favor of Halliburton. Waetzig, claiming that the arbitration award was flawed, filed a motion to reopen the federal case and vacate the arbitration award, instead of filing a new lawsuit.

The District Court sided with Waetzig and reopened the case, finding that a voluntary dismissal without prejudice counted as a "final proceeding" and, when Waetzig dismissed his prior case rather than seek a stay, Rule 60(b) applied and the case could be reopened.

Halliburton appealed the decision and argued that a voluntary dismissal without prejudice does not count as a final judgment, order or proceeding. The Tenth Circuit agreed with Halliburton, reversed the lower court's decision and held that a voluntary dismissal without prejudice did not qualify for relief under Rule 60(b). The Tenth Circuit's ruling created a split among federal appeals courts. The Supreme Court granted certiorari to resolve the split and decide this previously undecided issue.

### THE SUPREME COURT'S DECISION

In a unanimous decision, the Supreme Court held that Rule 41(a) voluntary dismissal without prejudice qualifies as a "final...proceeding" under Rule 60(b). Justice Alito, writing for the Supreme Court, noted that the "text, context, and history support that interpretation." The Supreme Court also reasoned that excluding such dismissals from Rule 60(b)'s scope would leave many litigants without a mechanism to seek relief from dismissals that might have been based on mistake or inadvertence.

### PRACTICAL TAKEAWAYS

A voluntary dismissal without prejudice is "final" under Rule 60(b). Therefore, filing a voluntary dismissal without prejudice under Rule 41(a) allows the plaintiff to utilize Rule 60(b), where applicable, to reopen a case. The decision is important because, under Rule 60(b), a court may grant relief from a final judgment, order or proceeding for six listed reasons, including "mistake, inadvertence, surprise, or excusable neglect."

If you have questions or would like additional information about this topic, please contact:

- **Jennifer Davis** at (248) 457-7827 or [jdavis@hallrender.com](mailto:jdavis@hallrender.com);
- **Jon Rabin** at (248) 457-7835 or [jrabin@hallrender.com](mailto:jrabin@hallrender.com); or
- Your primary Hall Render contact.

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