

2.23. DISMISSAL/WITHDRAWAL OF ACTIONS. -- (A) Voluntary Discontinuance – Effect Thereof. -- (1) By Stipulation. -- A proceeding may be discontinued by a party without order of the court by: (a) filing a stipulation at any time before the adverse party has filed an answer or entry of appearance, or (b) filing a stipulation signed by all parties who have appeared in the proceeding.

(2) By Order of the Court. -- Except as provided in paragraph (1) of this section, a proceeding shall not be discontinued, nor a claim for trial withdrawn, at a party's insistence save upon order of the court after hearing, and upon such terms and conditions as the court deems proper. Unless otherwise specified in the order, a dismissal under this paragraph is without prejudice.

(B) Involuntary Dismissal – Effect Thereof. -- (1) By the Court. -- The court may, in its discretion, dismiss any proceeding for lack of prosecution on its own motion.

(2) On Motion of the Respondent. -- On motion of the respondent, the court may, in its discretion, dismiss any action for lack of prosecution as provided in paragraph (B)(1) above.

(3) Effect. -- Unless the court in its order for dismissal otherwise specifies, a dismissal under paragraphs (B)(1) and (2) shall be with prejudice.