

- 12 O.S. 683 (Dismissal without Prejudice)
 - * Originally enacted in 2004 and subsequently amended in 2009.
 - * Very little to no change in reenacted version
- Except as provided in Section 684.1 of this title, an action may be dismissed, without prejudice to a future action:
 1. By the plaintiff, before the final submission of the case to the jury, or to the court, where the trial is by the court;
 2. By the court, where the plaintiff fails to appear on the trial;
 3. By the court, for the want of necessary parties;
 4. By the court, on the application of some of the defendants, where there are others whom the plaintiff fails to prosecute with diligence;
 5. By the court, for disobedience by the plaintiff of an order concerning the proceedings in the action; and
 6. In all other cases, upon the trial of the action, the decision must be upon the merits.

- 12 O.S. § 684 (Dismissal before Trial Commenced without Court Order)
 - * Originally enacted in 2004 and amended in 2009
 - * The difference between this and the 2004 version is that the old version allowed the Plaintiff to pay costs at the end of the refiled action.
 - * The current version states “the Court may make such order for the payment of costs of the action previously dismissed as it may deem proper and may stay the proceedings in the action until the plaintiff has complied with the order.”
- A. An action may be dismissed by the plaintiff without an order of court by filing a notice of dismissal at any time before pretrial. After the pretrial hearing, an action may only be dismissed by agreement of the parties or by the court. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice.

- B. Except as provided in subsection A of this section, an action shall not be dismissed at the plaintiff’s request except upon order of the court and upon such terms and conditions as the court deems proper. If a counterclaim has been pleaded by a defendant prior to the service upon the defendant of the plaintiff’s motion to dismiss, the action shall not be dismissed against the defendant’s objection unless the counterclaims can remain pending for independent adjudication by the court. Unless otherwise specified in the order, a dismissal under this subsection is without prejudice.
- C. For failure of the plaintiff to prosecute or to comply with the provisions of this section or any order of court, a defendant may move for dismissal of an action or of any claim against the defendant.
- D. The provisions of this section apply to the dismissal of any counterclaim, cross-claim, or third-party claim. A voluntary dismissal by the claimant alone pursuant to subsection A of this section shall be made before a responsive pleading is served or, if there is none, before the introduction of evidence at the trial or hearing.
