

1 **WO**

2

3

4

5

6

IN THE UNITED STATES DISTRICT COURT

7

FOR THE DISTRICT OF ARIZONA

8

9

JAMES S. GOUGH, an unmarried man,)

No. CV 08-1303-PHX-JAT

10

Plaintiff,)

ORDER

11

vs.)

12

CAROLYN JOY BERRY, an unmarried)
woman; JOY BERRY ENTERPRISES,)
INC., a Delaware corporation,)

14

Defendants.)

15

16

17

Pending before this Court is Defendant Joy Berry Enterprises, Inc.’s Motion to
18 Dismiss (Doc. # 9) and Motion for Protective Order (Doc. # 22), Plaintiff’s Motion for
19 Jurisdictional Discovery (Doc. # 16), Plaintiff’s Stipulation of Dismissal with Prejudice of
20 Carolyn Joy Berry (Doc. # 31), and Plaintiff’s Notice of Dismissal with Prejudice of Joy
21 Berry Enterprises, Inc. (Doc. # 32).

22

Having reviewed Plaintiff’s Stipulation of Dismissal with Prejudice of Carolyn Joy
23 Berry, and Pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure, the Court finds
24 that dismissal as requested by Plaintiff is proper. Further, according to Plaintiff’s Notice of
25 Dismissal with Prejudice of Joy Berry Enterprises, Inc., and Defendant Joy Berry
26 Enterprises, Inc. having not filed an answer or a motion for summary judgment, pursuant to
27 Rule 41(a)(1)(A)(i), *see Concha v. London*, 62 F.3d 1493,1506 (9th Cir. 1995),

28

