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NOT FOR PUBLICATION

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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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10 In Re Zicam Cold Remedy Marketing,
11 Sales Practices, and Products Liability
Litigation

No. 09-md-2096-PHX-FJM

ORDER

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This document relates to:

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Sharon Davis, et al.,
14 v. Matrixx Initiatives, Inc., et al.

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No. CV-10-0164-PHX-FJM

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The court has before it the parties' "Joint Stipulation for Dismissal of Plaintiffs'

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Claims with Prejudice" (doc. 1233). This is a purported class action, but plaintiffs never

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moved for certification. We therefore may dismiss the action without notice or a hearing.

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See Fed. R. Civ. P. 23(e). Pursuant to Rule 41(a)(1)(A)(ii), Fed. R. Civ. P., plaintiffs may

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dismiss an action by filing a stipulation of dismissal signed by all parties who have appeared.

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Further, the parties may stipulate that the dismissal be with prejudice. Fed. R. Civ. P.

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41(a)(1)(B).

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Therefore, **IT IS ORDERED GRANTING** the parties' stipulation for dismissal (doc.

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1233). **IT IS ORDERED** that this action is dismissed in its entirety and the claims of each

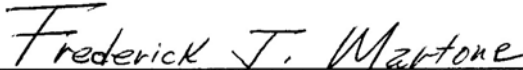
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named plaintiff are dismissed with prejudice, each party to bear its own costs and attorneys'

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1 fees. All the claims of all the parties in CV-10-0164-PHX-FJM having been dismissed with
2 prejudice, this action is terminated.

3 DATED this 9th day of December, 2010.

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7 Frederick J. Martone
8 United States District Judge
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