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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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9 Wells Fargo Bank National Assoc.,) No. CV-10-930-PHX-SMM

10 Plaintiffs,)

11 vs.) **ORDER**

12 Greenstreet Properties, LLC., et al.,)

13 Defendants.)

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15 Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff moves the Court to dismiss this case
16 against the remaining Defendants, Stanley Howard Wasserkrug and Susan Schwartz
17 Wasserkrug, husband and wife, and as trustees of The Wasserkrug Family Trust (“the
18 Wasserkrugs”). (Doc. 107.) Pursuant to Rule 54(b), on February 28, 2012, a Judgment was
19 entered against all other Defendants. (Doc. 96.) The parties originally intended for the
20 Judgment to be entered against the Wasserkrugs as well, but the Wasserkrugs filed for
21 bankruptcy protection under Chapter 7 of the United States Bankruptcy Code on December
22 21, 2011, in the U.S. Bankruptcy Court, District of Nevada, Case No. 11-29314-lbr. A
23 Notice of Bankruptcy was filed on December 29, 2011. (Doc. 88.) Due to the automatic stay
24 provisions of 11 U.S.C. 362, Plaintiff indicates that its only option is to dismiss the case
25 without prejudice. (Doc. 107.)

26 Rule 41(a)(2) allows for dismissal by court order upon a plaintiff’s request “on terms
27 that the court considers proper.” Rule 41(a)(2). A motion for voluntary dismissal under Rule
28 41(a)(2) is addressed to the district court’s sound discretion. Stevedoring Servs. of Am. v.

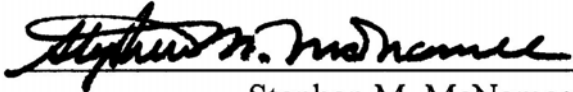
1 Armilla Int'l B.V., 889 F.2d 919, 921 (9th Cir. 1989). Pursuant to Plaintiff's terms and
2 request, the Court will grant its motion to dismiss this case without prejudice.

3 Accordingly,

4 **IT IS HEREBY ORDERED granting** Plaintiff's motion to dismiss this case **without**
5 **prejudice** pursuant to Fed. R. Civ. P. 41(a)(2). (Doc. 107.)

6 DATED this 17th day of June, 2013.

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Stephen M. McNamee
Senior United States District Judge