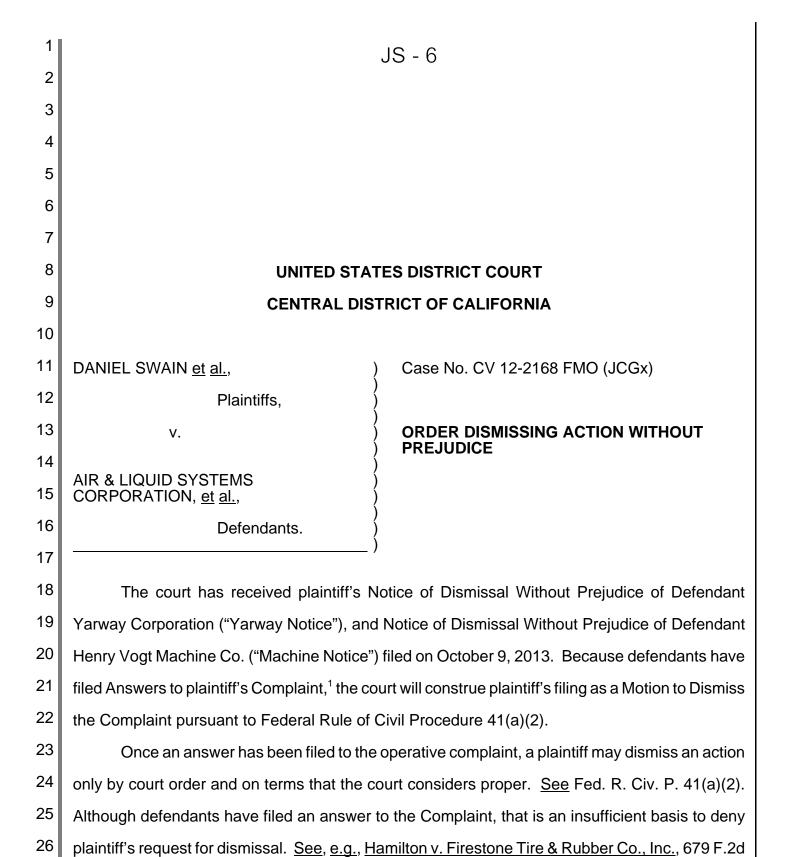
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¹ Contrary to plaintiffs' statements in the Yarway Notice and Machine Notice, those defendants have in fact filed Answers.

143, 146 (9th Cir. 1982) ("The very purpose of Rule 41(a)(2) is to allow a District Court, in its discretion, to dismiss an action without prejudice even after responsive pleadings have been filed by the defendant."); see also id. at 145 ("The Ninth Circuit has long held that the decision to grant a voluntary dismissal under Rule 41(a)(2) is addressed to the sound discretion of the District Court[.]"). Under the circumstances, the court is persuaded that defendants will not suffer any legal prejudice by the dismissal of the Complaint without prejudice. See id. ("In ruling on a motion for voluntary dismissal, the District Court must consider whether the defendant will suffer some plain legal prejudice as a result of the dismissal."); Waller v. Financial Corp. of Am., 828 F.2d 579, 583 (9th Cir. 1987) ("In this circuit, as elsewhere, a district court should grant a motion for voluntary dismissal unless a defendant can show that it will suffer some plain legal prejudice as a result.").

Based on the foregoing, IT IS ORDERED THAT:

- 1. Plaintiff's Notice of Dismissal Without Prejudice of Defendant Yarway Corporation (Document No. 507) shall be construed as plaintiff's Motion to Dismiss the Complaint pursuant to Federal Rule of Civil Procedure 41(a)(2). Plaintiff's motion is granted.
- 2. Plaintiff's Notice of Dismissal Without Prejudice of Defendant Henry Vogt Machine Co. (**Document No. 508**) shall be **construed** as plaintiff's Motion to Dismiss the Complaint pursuant to Federal Rule of Civil Procedure 41(a)(2). Plaintiff's motion is **granted**.
- 3. Given that all defendants have now been dismissed, the Clerk shall close the case and serve copies of this Order on the parties.

Dated this 10th day of October, 2013.

/s/ Fernando M. Olguin United States District Judge