

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SEAN RANDALL, on behalf of himself
and all others similarly situated,

Plaintiffs,

v.

MERRICK PET CARE, INC., d/b/a
CASTOR AND POLLUX NATURAL
PETWORKS, et al.,

Defendants.

Case No. CV 16-0139 FMO (ASx)

ORDER RE NOTICE OF DISMISSAL

The complaint in the above-captioned case contains individual and class allegations, but no answer has been filed and aside from defendants' filing of a motion to dismiss, no action has been taken in the matter. Now, the court is informed that they have reached a settlement in principle "on a non-class basis" and expect to dismiss the case with prejudice upon execution of the settlement agreement. (See Dkt. 50, Notice of Settlement at 2). The Notice states that the parties "do not believe that their settlement in any way prejudices any potential or proposed class, and have not engaged in any collusive actions." (Id.).

"The claims, issues, or defenses of a certified class may be settled, voluntarily dismissed, or compromised only with the court's approval." Fed. R. Civ. P. 23(e). Because the putative class has not been certified, the parties need not obtain court approval before dismissing the class allegations without prejudice.

Having reviewed the case file and determined that no prejudice to the class will result from the dismissal, IT IS ORDERED that the above-captioned action is hereby **dismissed** with prejudice as to plaintiff and without prejudice as to the class. The dismissal shall be without costs and plaintiff shall retain the right, upon good cause shown within **30 days from the filing date of this Order**, to re-open the action if settlement is not consummated. The court retains full jurisdiction over this action and this Order shall not prejudice any party to this action

Dated this 19th day of October, 2016.

/s/
Fernando M. Olguin
United States District Judge