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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KRISTA JONES,)	1:07-cv-1628 OWW TAG
)	
Plaintiff,)	ORDER SETTING ASIDE
)	DISMISSAL OF ENTIRE ACTION
v.)	
)	
KERN HIGH SCHOOL DISTRICT,)	
FRANCISCO GONZALEZ, JAIME)	
QUINONEZ, CONNIE SACK, BRUCE)	
HILL, PATRICK BLAKE, ABELARDO)	
SIBECAS, MARY ALEMAN, KATY)	
RODRIQUEZ, DENNIS STEWARD, PABLO)	
REYES, PATTY LEIBLE, DIRK)	
McJUNKIN, VICKI SHOENHAIR, MATT)	
GODBEHERE, TERRY LEWIS, MR.)	
GUTIERREZ, JAMES HUDSON, DOES 1)	
through 200, inclusive,)	
)	
Defendants.)	
)	
)	

Before the Court is Plaintiff's Application to Set Aside Dismissal pursuant to Federal Rule of Civil Procedure 60(a)(b) to correct the dismissal of the entire action arising from a clerical mistake.

On December 11, 2007, Plaintiff, through counsel, filed a "Notice of Voluntary Dismissal of Defendant Adrianna Reyna Without Prejudice," in which Plaintiff Krista Jones voluntarily "dismisses the above-captioned action against Defendant Adrianna

1 Reyna without prejudice."

2 As counsel's Declaration in support of the Application to
3 Set Aside establishes, Plaintiff did not intend to dismiss the
4 entire action as to the remaining Defendants.

5 By inadvertence and clerical error, the entire action was
6 dismissed. Because Plaintiff was authorized to dismiss some or
7 all of the Defendants, through a Rule 41(a)(1) notice, the entire
8 action should not have been dismissed. Dismissal of one of
9 several Co-Defendants terminates the action only as to the one
10 dismissed, the case continues as to the other Defendants. *Concha*
11 *v. London*, 82 F.3d 1493, 1506 (9th Cir. 1995); *cert. dismissed*,
12 517 U.S. 1183 (1996).

13 Under the further authority of Fed. R. Civ. Proc. 60(b)(1)
14 and (6) this action is reinstated as to all Defendants except
15 Adrianna Reyna.

16 Further, the dismissal without prejudice of Defendant
17 Adrianna Reyna remains unaffected by this order.

18
19 IT IS SO ORDERED.

20 Dated: December 21, 2007

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE