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8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA
 10 (Fresno Division)
 11

12 PAUL ROBERSON,)	CASE NO. 1:08-CV-F-0552-LJO-SMS
)	
13 Plaintiff,)	STIPULATION FOR DISMISSAL WITH
)	PREJUDICE; ORDER
14 vs.)	
)	
15 DANNY ONTIVEROS)	
TRUCKING, DANNY ONTIVEROS,)	
16)	
Defendants.)	
17)	

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 19 IT IS HEREBY STIPULATED by and between the named plaintiff
 20 PAUL ROBERSON, through his counsel, and defendants, DANNY ONTIVEROS
 21 and DANNY ONTIVEROS DBA DANNY ONTIVEROS TRUCKING, that the above-
 22 captioned action shall be dismissed with prejudice pursuant to
 23 Federal Rule of Civil Procedure 41(a)(1).

24 This stipulation is based on the fact that the named plaintiff
 25 is entering into a settlement with defendants prior to any
 26 certification of any classes with respect to the defendants. Under
 27 the text of F.R.C.P. Rule 23(e), adopted in 2003, such a settlement
 28 does not require court approval:

1 [P]rior to certification, the named plaintiffs
2 may dismiss class claims without court
3 approval. The named plaintiffs may settle or
4 voluntarily dismiss their own claims just as
5 in an individual action...in which case the
6 class claims would have to be dismissed as
7 well. Rule 23(e) does not provide the
8 District Courts with any supervisory authority
9 over such dismissals, nor does it require
10 notice to the absent class members. 5 Moore's
11 Federal Practice (3d Ed. 2005), §23.64(2)(a),
12 p. 23-315.

13 See also F.R.C.P. 23, Advisory Committee Note of 2003 ("The new
14 rule requires approval only if the claims, issues or defenses of a
15 certified class are resolved by settlement, voluntary dismissal or
16 compromise.") (Emphasis added).

17 DATED: April 29, 2009

LAW OFFICE OF JERRY BUDIN

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/s/ Jerry Budin

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Jerry Budin
Attorney for Plaintiff,
PAUL ROBERSON

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21 DATED: April 29, 2009

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/s/ Danny Ontiveros
(Original Signature
retained by attorney)

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Danny Ontiveros and Danny
Ontiveros dba Danny Ontiveros
Trucking, Dendants
In Propria Persona

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ORDER

Based on the foregoing and good cause appearing therefrom,
IT IS HEREBY ORDERED that this matter be and is hereby
dismissed with prejudice. This case is closed.

IT IS SO ORDERED.

Dated: April 30, 2009

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE