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

12 MICHAEL HAHKA,)	CASE NO. 1:08-CV-0698-LJO-SMS
)	
13 Plaintiff,)	STIPULATION FOR DISMISSAL WITH
)	PREJUDICE; ORDER
14 vs.)	
)	
15 DAIRYLAND MILK TRANSPORT,)	
LLC, et al.,)	
)	
16 Defendants.)	
17)	

18
 19 IT IS HEREBY STIPULATED by and between the named plaintiff MICHAEL HAHKA,
 20 through his counsel, and defendants DAIRYLAND MILK TRANSPORT, LLC, and WESTERN
 21 MILK TRANSPORT CO., LLC, through their counsel, that the above-captioned action against these
 22 defendants be dismissed with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1).

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

26 [P]rior to certification, the named plaintiffs may dismiss class claims
 27 without court approval. The named plaintiffs may settle or
 28 voluntarily dismiss their own claims just as in an individual
 action...in which case the class claims would have to be dismissed as
 well. Rule 23(e) does not provide the District Courts with any
 supervisory authority over such dismissals, nor does it require notice

1 to the absent class members. 5 Moore's Federal Practice (3d Ed.
2005), §23.64(2)(a), p. 23-315.

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

6
7 DATED: September 10, 2009

LAW OFFICE OF JERRY BUDIN

8
9 /s/ Jerry Budin
Jerry Budin
Attorney for Plaintiff,
10 Michael Hahka

11 DATED: September 10, 2009

SAGASER, JONES & HELSLEY

13 /s/ Tracie L. Goodwin
Tracie L. Goodwin
Attorneys for Defendants,
14 Dairyland Milk Transport Co., LLC and
15 Western Milk

16 Transport Co., LLC

17
18 **ORDER**

19 Based on the foregoing and good cause appearing therefrom,

20 IT IS HEREBY ORDERED that this matter be and is hereby dismissed with prejudice as to
21 defendants Dairyland Milk Transport Co., LLC and Western Milk Transport Co., LLC. This case
22 is closed.

23 IT IS SO ORDERED.

24 Dated: September 11, 2009

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