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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GERALD CARLIN, et al.,
Plaintiffs,
v.
DAIRYAMERICA, INC., et al.,
Defendants.

Case No. 1:09-cv-00430-AWI-EPG

**ORDER DENYING MOTION TO
WITHDRAW MOTION FOR
SANCTIONS AS MOOT AND
DIRECTING THE CLERK OF COURT
TO CLOSE CASE**

(ECF No. 597)

Currently before the Court is Plaintiffs’ motion seeking to withdraw their motion for sanctions. (ECF No. 597.) On July 19, 2017, Plaintiffs filed a motion seeking sanctions against Defendant DairyAmerica, Inc. (*See* ECF No. 443-444.) The Court granted the motion for sanctions in part, Defendant DairyAmerica, Inc. sought reconsideration, and Plaintiffs filed a request to supplement fees related to the sanctions motion. (*See* ECF Nos. 474, 487, 495.) Plaintiffs assert that “[t]hose various motions relating to the proposed sanctions were still technically pending at the time the case was settled” and Plaintiffs now seek to withdraw the motion for sanctions and the request to supplement fees. (ECF No. 597.)

On August 24, 2017, the Court entered an order denying the motion for sanctions. (ECF No. 474.) Additionally, on September 14, 2018, District Judge Anthony W. Ishii entered an order denying DairyAmerica, Inc.’s motion for reconsideration and Plaintiffs’ request to supplement fees. (ECF No. 558.) The motions Plaintiffs seek to withdraw therefore were decided before final approval of the class action settlement in this case and are no longer

1 pending. Further, District Judge Ishii's order entered on May 8, 2019 granting final approval of
2 the parties' settlement dismissed Defendants DairyAmerica, Inc. and California Dairies, Inc.,
3 with prejudice and entered final judgment pursuant to Rules 54(b) of the Federal Rules of Civil
4 Procedure. (ECF No. 586 at 35.) The Ninth Circuit dismissed the appeal of this order on June
5 11, 2020 and issued the mandate on July 6, 2020. (ECF No. 595, 596.) The Court will therefore
6 deny Plaintiffs' motion as moot and request that the Clerk of Court close this case.

7 Accordingly, IT IS ORDERED:

- 8 1. Plaintiffs' motion to withdraw motion for sanctions (ECF No. 597) is DENIED as
9 moot; and
- 10 2. Pursuant to District Judge Ishii's order entered May 8, 2019 (ECF No. 586), the Clerk
11 of Court is respectfully directed to close this case.

12 IT IS SO ORDERED.

13 Dated: December 7, 2020

14 /s/ Eric P. Grogan
15 UNITED STATES MAGISTRATE JUDGE
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