

|                              |   |                           |
|------------------------------|---|---------------------------|
| RICHARD GONZALES,            | ) | NO. 1:09-CV-00922 AWI DLB |
|                              | ) |                           |
| Plaintiff,                   | ) | ORDER CLOSING CASE IN     |
|                              | ) | LIGHT OF STIPULATION FOR  |
| v.                           | ) | DISMISSAL WITH PREJUDICE  |
|                              | ) |                           |
| DNASSOCIATES, DENISE NOVELL, | ) |                           |
| and DOES 1 through 50,       | ) |                           |
|                              | ) |                           |
| Defendants.                  | ) |                           |
|                              | ) |                           |

1 open court, no order of the court is necessary to effectuate dismissal. Fed. R. Civ. Pro.  
2 41(a)(1)(ii); Eitel, 782 F.2d at 1473 n.4. “Caselaw concerning stipulated dismissals under Rule  
3 41(a) (1) (ii) is clear that the entry of such a stipulation of dismissal is effective automatically and  
4 does not require judicial approval.” In re Wolf, 842 F.2d 464, 466 (D.C. Cir. 1989); Gardiner v.  
5 A.H. Robins Co., 747 F.2d 1180, 1189 (8th Cir. 1984); see also Gambale v. Deutsche Bank AG,  
6 377 F.3d 133, 139 (2d Cir. 2004); Commercial Space Mgmt. Co. v. Boeing Co., 193 F.3d 1074,  
7 1077 (9th Cir. 1999) cf. Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)  
8 (addressing Rule 41(a)(1) dismissals). “The plaintiff may dismiss some or all of the defendants,  
9 or some or all of his claims, through a Rule 41(a)(1) notice,” and the dismissal “automatically  
10 terminates the action as to the defendants who are the subjects of the notice.” Wilson, 111 F.3d  
11 at 692; Concha v. London, 62 F.3d 1493, 1506 (9th Cir. 1995).

12 Because the parties have filed a stipulation for dismissal of this case with prejudice under  
13 Rule 41(a)(1)(A)(ii) that is signed by all parties who have made an appearance, this case has  
14 terminated. See Fed. R. Civ. Pro. 41(a)(1)(A)(ii); In re Wolf, 842 F.2d at 466; Gardiner, 747  
15 F.2d at 1189; see also Gambale, 377 F.3d at 139; Commercial Space Mgmt, 193 F.3d at 1077; cf.  
16 Wilson, 111 F.3d at 692.

17 Therefore, IT IS HEREBY ORDERED that the Clerk is ordered to close this case in light  
18 of the filed and properly signed Rule 41(a)(1)(A)(ii) Stipulation Of Dismissal With Prejudice.  
19 All parties to bear and pay their own costs and fees.

20  
21 IT IS SO ORDERED.

22 Dated: July 16, 2010

23   
CHIEF UNITED STATES DISTRICT JUDGE