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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

MARLA LYNN SWANSON,

CASE NO. CV F 09-1507 LJO DLB

Plaintiff,

**ORDER TO DENY REQUEST TO DISMISS
CERTAIN DEFENDANTS
(Doc. 18.)**

vs.

EMC MORTGAGE CORPORATION,
et al.,

Defendants.

Plaintiff filed a May 18, 2011 request to dismiss defendants Brokerleon, Inc., dba A-One Home Loans, Leon Turner, Jr., and Shante Michelle Curran (collectively “A-One defendants”) and to “dismiss the Complaint filed herein in its entirety.” Plaintiff’s attempt to dismiss the A-One defendants fails to comply with F.R.Civ.P. 41(a)(1)(A)(ii), which requires a stipulation signed by defendants who have answered or filed a summary judgment motion. As such, this Court DENIES dismissal of the A-One defendants in the absence of compliance with F.R.Civ.P. 41(a)(1)(A)(ii). This Court ORDERS the parties, no later than June 10, 2011, to file either: (a) a stipulation which satisfies F.R.Civ.P. 41(a)(1)(A)(ii) and a proposed order to dismiss the A-One defendants; or (b) papers to show good cause why the parties have failed to comply with F.R.Civ.P. 41(a)(1)(A)(ii).

Based on the request for dismissal and under F.R.Civ.P. 41(a)(1)(A)(i), this Court DISMISSES only defendant Community Lending, Inc., which has not appeared in this action.

This Court ADMONISHES counsel to obey the Federal Rules of Civil Procedure and this

1 Court's Local Rules. This Court FURTHER ADMONISHES counsel that failure to comply with this
2 order in the absence of good cause will result in imposition of sanctions, including dismissal of this
3 action with or without prejudice.

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IT IS SO ORDERED.

Dated: May 19, 2011

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