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

MICHAEL FERNANDES,)	1:09-CV-1914 AWI DLB
)	
Plaintiff,)	ORDER GRANTING RULE
)	41(a)(2) STIPULATION and
v.)	ORDER VACATING
)	PREVIOUS DISMISSAL
McDONALD’S CORPORATION, and)	
JAY HAZARI,)	(Doc. Nos. 9, 10)
)	
Defendants.)	
_____)	

On May 5, 2010, the parties filed a stipulation under Rule 41(a)(2) for the Court to dismiss this case. See Court’s Docket Doc. No. 9. The parties requested that the Court retain jurisdiction to enforce the terms of a settlement agreement for six years. See id.

On May 6, 2010, an order issued that closed the case and construed the stipulation as one under Rule 41(a)(1)(A)(ii), instead of Rule 41(a)(2). See id. at Doc. No. 10. This order was issued due to clerical error. Accordingly, the Court will vacate the May 6, 2010, order.

With the vacation of the May 6, 2010, order, the parties’s Rule 41(a)(2) stipulation remains. Under Rule 41(a)(2), an action may be dismissed “on terms that the court considers proper.” Fed. R. Civ. Pro. 41(a)(2). The parties wish the Court to maintain jurisdiction to enforce the settlement agreement for six years. See id. at Doc. No. 9. The parties correctly cite *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 381-82 (1994), for the proposition that a court may retain jurisdiction to enforce a settlement agreement as part of a Rule 41(a)(2) order. The Court will give effect to the parties’ stipulation and dismiss this case with prejudice, but will retain jurisdiction to enforce the settlement for six years.

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Accordingly, IT IS HEREBY ORDERED that:

1. The May 6, 2010, order closing the case, that is Document No. 10, is VACATED;
2. The parties' stipulated Rule 41(a)(2) dismissal is GRANTED;
3. This case is DISMISSED WITH PREJUDICE, but the Court will maintain jurisdiction to enforce the parties' settlement agreement for six years; and
4. This case REMAINS CLOSED.

IT IS SO ORDERED.

Dated: May 6, 2010

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE