

1 order of the court is necessary to effectuate dismissal. Fed. R. Civ. Pro. 41(a)(1)(ii); Eitel, 782
2 F.2d at 1473 n.4. “Caselaw concerning stipulated dismissals under Rule 41(a) (1) (ii) is clear
3 that the entry of such a stipulation of dismissal is effective automatically and does not require
4 judicial approval.” In re Wolf, 842 F.2d 464, 466 (D.C. Cir. 1989); Gardiner v. A.H. Robins Co.,
5 747 F.2d 1180, 1189 (8th Cir. 1984); see also Gambale v. Deutsche Bank AG, 377 F.3d 133, 139
6 (2d Cir. 2004); Commercial Space Mgmt. Co. v. Boeing Co., 193 F.3d 1074, 1077 (9th Cir.
7 1999) cf. Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997) (addressing 41(a)(1)(i)).
8 “The plaintiff may dismiss some or all of the defendants, or some or all of his claims, through a
9 Rule 41(a)(1) notice,” and the dismissal “automatically terminates the action as to the defendants
10 who are the subjects of the notice.” Wilson, 111 F.3d at 692; Concha v. London, 62 F.3d 1493,
11 1506 (9th Cir. 1995).

12 Because Plaintiff has filed a voluntary dismissal under Rule 41(a)(1) as to only Samba
13 Brazilian BBQ, Inc., an unknown business entity d/b/a Samba's Brazilian Steak House a/k/a
14 Samba Brazilian BBQ, this case has terminated as to this Defendant only. See Fed. R. Civ. Pro.
15 41(a)(1)(ii); In re Wolf, 842 F.2d at 466; Gardiner, 747 F.2d at 1189; see also Gambale, 377 F.3d
16 at 139; Commercial Space Mgmt, 193 F.3d at 1077; cf. Wilson, 111 F.3d at 692.

17 Therefore, IT IS HEREBY ORDERED that Samba Brazilian BBQ, Inc., an unknown
18 business entity d/b/a Samba's Brazilian Steak House a/k/a Samba Brazilian BBQ, is DISMISSED
19 from this case without prejudice in light of the Plaintiff’s filed and properly signed Rule 41(a)(1)
20 voluntary dismissal.

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22 IT IS SO ORDERED.

23 **Dated:** March 27, 2010

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