



1 although an oral stipulation in open court will also suffice. *Carter v. Beverly Hills Sav. & Loan*  
2 *Assoc.*, 884 F.2d 1186, 1191 (9th Cir. 1989); *Eitel v. McCool*, 782 F.2d 1470, 1472-73 (9th Cir.  
3 1986). Once the stipulation between the parties who have appeared is properly filed or made in  
4 open court, no order of the court is necessary to effectuate dismissal. Fed. R. Civ. Pro.  
5 41(a)(1)(ii); *Eitel*, 782 F.2d at 1473 n.4. “Caselaw concerning stipulated dismissals under Rule  
6 41(a)(1)(ii) is clear that the entry of such a stipulation of dismissal is effective automatically and  
7 does not require judicial approval.” *In re Wolf*, 842 F.2d 464, 466 (D.C. Cir. 1989); *Gardiner v.*  
8 *A.H. Robins Co.*, 747 F.2d 1180, 1189 (8th Cir. 1984); *see also Gambale v. Deutsche Bank AG*,  
9 377 F.3d 133, 139 (2d Cir. 2004); *Commercial Space Mgmt. Co. v. Boeing Co.*, 193 F.3d 1074,  
10 1077 (9th Cir. 1999) *cf. Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997) (addressing  
11 Rule 41(a)(1) dismissals). “The plaintiff may dismiss some or all of the defendants, or some or  
12 all of his claims, through a Rule 41(a)(1) notice,” and the dismissal “automatically terminates the  
13 action as to the defendants who are the subjects of the notice.” *Wilson*, 111 F.3d at 692; *Concha*  
14 *v. London*, 62 F.3d 1493, 1506 (9th Cir. 1995).

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

20 Therefore, IT IS HEREBY ORDERED that the Clerk is ordered to close this case in light  
21 of the filed and properly signed Rule 41(a)(1)(A)(ii) Stipulation For Voluntary Dismissal With  
22 Prejudice.

23 IT IS SO ORDERED.

24 Dated: January 24, 2018

25 /s/ Sheila K. Oberto  
26 UNITED STATES MAGISTRATE JUDGE