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16 UNITED STATES DISTRICT COURT

17 EASTERN DISTRICT OF CALIFORNIA

18 NOSSAMAN LLP, COALITION FOR A  
19 SUSTAINABLE DELTA, and KERN COUNTY  
WATER AGENCY, a public entity,

20 Plaintiffs,

21 vs.

22 UNITED STATES DEPARTMENT OF  
23 HOMELAND SECURITY,

24 Defendant.  
25  
26  
27  
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Case No: 1:10-CV-01627-OWW-SKO

**ORDER RE PLAINTIFFS COALITION  
FOR A SUSTAINABLE DELTA AND KERN  
COUNTY WATER AGENCY'S NOTICE OF  
DISMISSAL OF ACTION**

**[FED. R. CIV. P. 41(a)(1)(A)(i)]**

Judge: Hon. Oliver W. Wanger

Filed: September 8, 2010

1 1. Pursuant to Federal Rules of Civil Procedure, Rule 41(a)(1)(A)(i), Plaintiffs Coalition for a  
2 Sustainable Delta (“Coalition”) and the Kern County Water Agency (“KCWA”) filed a voluntary notice  
3 of dismissal of all claims for relief on October 25, 2010. (ECF No. 11.)

4 2. On September 8, 2010, Plaintiffs Nossaman LLP, Coalition, and KCWA filed a complaint for  
5 injunctive and declaratory relief against Defendant U.S. Department of Homeland Security (“DHS”) for  
6 violations of the Freedom of Information Act.

7 3. Defendant DHS has not filed an answer or motion for summary judgment in this litigation.

8 4. This litigation is not a class action.

9 5. This litigation is not a derivative suit or an action relating to an unincorporated association.

10 6. No receiver has been appointed in this litigation.

11 7. This litigation is not governed by a federal statute that requires a court order for a voluntary  
12 dismissal of the action.

13 8. Plaintiffs Coalition and KCWA have not previously dismissed an action based on or including  
14 the same claims in this litigation.

15 9. This dismissal is without prejudice to refileing.

16 10. Only the Coalition and KCWA are dismissing this action against Defendant DHS.

17 11. Upon Plaintiffs Coalition and Kern’s filing of their notice of dismissal, Plaintiff Nossaman  
18 LLP remained the sole plaintiff in this action. Fed. R. Civ. P. 41(a)(1)(A)(i); *Concha v. London*, 62 F.3d  
19 1493, 1506 (9th Cir. 1995) (voluntary dismissal pursuant to notice of dismissal filed by plaintiff is  
20 effective on filing); *Pedrina v. Chun*, 987 F.2d 608, 609-610 (9th Cir. 1993) (notice of dismissal is self-  
21 executing with no need for court approval or judicial approval).

22 In light of the recited facts, the clerk is hereby directed to dismiss the actions brought by  
23 Plaintiffs Coalition for a Sustainable Delta and Kern County Water Agency, acknowledging that their  
24 dismissal was effective as of the date of filing of their notice of dismissal.

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26 IT IS SO ORDERED.

27 Dated: November 3, 2010

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE

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