

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 the parties have filed a voluntary dismissal under Rule 41(a)(1)(ii) as to only
13 Defendants Tasha A. James a/k/a Tasha A. Tayian a/k/a Tasha A. Vassilev, individually and
14 d/b/a/a Pizza Factory a/k/a Visalia Pizza Factory 1, and West Coast Pizza Concepts, Inc., d/b/a
15 Pizza Factory a/k/a Visalia Pizza Factory 1, this case has terminated as to these Defendants only.
16 See Fed. R. Civ. Pro. 41(a)(1)(ii); In re Wolf, 842 F.2d at 466; Gardiner, 747 F.2d at 1189; see
17 also Gambale, 377 F.3d at 139; Commercial Space Mgmt, 193 F.3d at 1077; cf. Wilson, 111
18 F.3d at 692.

19 Therefore, IT IS HEREBY ORDERED that Defendants Tasha A. James a/k/a Tasha A.
20 Tayian a/k/a Tasha A. Vassilev, individually and d/b/a/a Pizza Factory a/k/a Visalia Pizza Factory
21 1, and West Coast Pizza Concepts, Inc., d/b/a Pizza Factory a/k/a Visalia Pizza Factory 1, are
22 DISMISSED from this case without prejudice in light of the parties’s filed and properly signed
23 Rule 41(a)(1) voluntary dismissal.

24 IT IS SO ORDERED.

25 Dated: January 7, 2011

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27 CHIEF UNITED STATES DISTRICT JUDGE