Care Plus Insu	rance Marketin	g et al v. Cor	nnecticut C	General Life	e Insurance	Company e	et al
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8	IN THE UNITED STATES DISTRICT COURT FOR THE							
9	9 EASTERN DISTRICT OF CALIFORNIA							
10		MIC						
11								
12	2 ) LIGHT OF STIPULATION	<ul> <li>ORDER CLOSING CASE IN</li> <li>LIGHT OF STIPULATION FOR</li> </ul>						
13		UDICE						
14	4 V. ) CONNECTICUT GENERAL LIFE )							
15		)						
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18	8							
19	9 On March 7, 2012, the parties filed a stipulation of voluntary dismissal wi	th prejudice of						
20		FJ						
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22								
23		dismissal before the opposing party serves either an answer or a motion for						
24	appeared.							
25		Rule 41(a)(1)(A)(ii) thus allows the parties to dismiss an action voluntarily, after service of an						
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27	although an oral stipulation in open court will also suffice. Carter v. Beverly Hills Sav. & Loan							
28	8 <u>Asso.</u> , 884 F.2d 1186, 1191 (9th Cir. 1989); <u>Eitel v. McCool</u> , 782 F.2d 1470, 1472-73 (9th Cir.							

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

Because the parties have filed a stipulation for dismissal of this case with prejudice under
Rule 41(a)(1)(A)(ii) that is signed by all parties who have made an appearance, this case has
terminated. 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 also Gambale, 377 F.3d at 139; Commercial Space Mgmt, 193 F.3d at 1077; cf.
Wilson, 111 F.3d at 692.

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

Dated: March 8, 2012

CHIEF UNITED STATES DISTRICT JUDGE