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6 **UNITED STATES DISTRICT COURT**
7 **EASTERN DISTRICT OF CALIFORNIA**
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9 **J&J SPORTS PRODUCTIONS, INC.,**

10 **Plaintiff**

11 **v.**

12 **MICHAEL JOE ESTRADA dba The**
13 **Orange Bar,**

14 **Defendant**

CASE NO. 1:12-CV-1848 AWI SKO

ORDER CLOSING CASE IN LIGHT OF
STIPULATION FOR DISMISSAL

(Doc. No. 31)

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16 On November 17, 2014, and following the filing of a notice of settlement, the parties filed
17 a stipulation for dismissal of this case pursuant to Federal Rule of Civil Procedure 41(a)(1). See
18 Doc. No. 31. The stipulation states that the dismissal is without prejudice and subject to the
19 Court's jurisdiction to enforce a settlement, but will become with prejudice if a motion to reopen
20 is not filed by December 15, 2014. See id. The notice is signed by all parties.

21 Rule 41(a)(1), in relevant part, reads:

22 (A) . . . the plaintiff may dismiss an action without a court order by filing: (i) a
23 notice of dismissal before the opposing party serves either an answer or a motion
24 for summary judgment; or (ii) a stipulation of dismissal signed by all parties who
25 have appeared. . . . (B) Unless the notice or stipulation states otherwise, the
dismissal is without prejudice.

26 Once a stipulation between the parties who have appeared is properly filed or made in open court,
27 no order of the court is necessary to effectuate dismissal. Fed. R. Civ. Pro. 41(a)(1)(A); Eitel v.
28

1 McCool, 782 F.2d 1470, 1473 n.4 (9th Cir. 1986). “Caselaw concerning stipulated dismissals
2 under Rule 41(a) (1) (ii) is clear that the entry of such a stipulation of dismissal is effective
3 automatically and does not require judicial approval.” In re Wolf, 842 F.2d 464, 466 (D.C. Cir.
4 1989); Gardiner v. A.H. Robins Co., 747 F.2d 1180, 1189 (8th Cir. 1984).

5 Because the parties have filed a stipulation for dismissal of this case under Rule 41(a)(1),
6 this case has terminated. See id.

7 Therefore, IT IS HEREBY ORDERED that all pending dates are VACATED and the
8 Clerk shall CLOSE this case in light of the parties’ Rule 41(a)(1) stipulation of dismissal.
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11 IT IS SO ORDERED.

12 Dated: December 11, 2014



13 SENIOR DISTRICT JUDGE