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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 **HARLEY-DAVIDSON CREDIT CORP.,**

9 **Plaintiff**

10 **v.**

11 **JERRY H. KUTUMIAN, and ZOVINAR**
12 **DEVELOPMENT, LLC,**

13 **Defendants**

CASE NO. 1:12-CV-2077 AWI BAM

ORDER LIFTING STAY AND CLOSING
CASE IN LIGHT OF VOLUNTARY
DISMISSAL

(Doc. No. 42)

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15 On July 7, 2013, Defendant Jerry Kutumian (“Kutumian”) filed a notice of bankruptcy.
16 See Doc. No. 28. In response, the Court stayed the case as to Kutumian. See Doc. No. 30.

17 On November 13, 2013, the Court adopted Findings and Recommendations that
18 recommended granting default judgment against Defendant Zovinar Development, LLC
19 (“Zovinar”). See Doc. No. 36. The case remained stayed as to Kutumian, and Plaintiff was
20 ordered to file status reports. See id. Judgment was entered against Zovinar the same day. See
21 Doc. No. 37.

22 On March 31, 2015, Plaintiff filed a status report regarding Kutumian. See Doc. No. 42.
23 In that report, Plaintiff indicates that Kutumian’s bankruptcy is complete. See id. Importantly, the
24 status report also states that Plaintiff voluntarily dismisses this action against Kutumian. See id.

25 In pertinent part, Rule 41(a)(1) reads: “the plaintiff may dismiss an action without a court
26 order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a
27 motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). Rule 41(a)(1) dismissals are
28 effective on filing and no court order is required. Wilson v. City of San Jose, 111 F.3d 688, 692

1 (9th Cir. 1997).

2 Here, because Kutumian has filed no answer or summary judgment motion, and because
3 judgment has already been entered against the only other defendant, Plaintiff's voluntary dismissal
4 of Kutumian has terminated this case. The Court will order the clerk to close this matter.

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6 Accordingly, IT IS HEREBY ORDERED that the Clerk shall CLOSE this case in light of
7 Plaintiff's voluntary dismissal of the remaining defendant, Jerry H. Kutumian.

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9 IT IS SO ORDERED.

10 Dated: April 1, 2015



11 SENIOR DISTRICT JUDGE