

1
2
3
4
5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
7

8 **JOSHUA TAYLOR,**

9 **Plaintiff**

10 **v.**

11 **TREES, INC.,**

12 **Defendant**

CASE NO. 1:13-CV-1019 AWI MJS

**ORDER CLOSING CASE IN LIGHT OF
STIPULATION OF DISMISSAL WITH
PREJUDICE**

13
14
15 On December 11, 2014, the parties filed a stipulation for dismissal of this action with
16 prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1). See Doc. No. 64.

17
18 Rule 41(a)(1), in relevant part, reads:

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

24 Rule 41(a)(1)(A)(ii) thus allows the parties to dismiss an action voluntarily, after service of an
25 answer, by filing a written stipulation to dismiss signed by all of the parties who have appeared,
26 although an oral stipulation in open court will also suffice. See Carter v. Beverly Hills Sav. &
27 Loan Asso., 884 F.2d 1186, 1191 (9th Cir. 1989); Eitel v. McCool, 782 F.2d 1470, 1472-73 (9th
28 Cir. 1986). Once the stipulation between the parties who have appeared is properly filed or made
in open court, no order of the court is necessary to effectuate dismissal. Fed. R. Civ. Pro.

1 41(a)(1)(A); Eitel, 782 F.2d at 1473 n.4. “Caselaw concerning stipulated dismissals under Rule
2 41(a) (1) (ii) is clear that the entry of such a stipulation of dismissal is effective automatically and
3 does not require judicial approval.” In re Wolf, 842 F.2d 464, 466 (D.C. Cir. 1989); Gardiner v.
4 A.H. Robins Co., 747 F.2d 1180, 1189 (8th Cir. 1984); see also Gambale v. Deutsche Bank AG,
5 377 F.3d 133, 139 (2d Cir. 2004); Commercial Space Mgmt. Co. v. Boeing Co., 193 F.3d 1074,
6 1077 (9th Cir. 1999).

7
8 As the parties have filed a stipulation for dismissal of this case with prejudice under Rule
9 41(a)(1), this case has terminated. See Fed. R. Civ. Pro. 41(a)(1)(A)(ii); In re Wolf, 842 F.2d at
10 466; Gardiner, 747 F.2d at 1189; see also Gambale, 377 F.3d at 139; Commercial Space Mgmt.,
11 193 F.3d at 1077.

12
13 Therefore, IT IS HEREBY ORDERED that the Clerk shall CLOSE this case in light of the
14 parties’ voluntary dismissal with prejudice of this matter under Rule 41(a)(1).

15
16 IT IS SO ORDERED.

17
18 Dated: December 11, 2014

19
20
21
22
23
24
25
26
27
28


SENIOR DISTRICT JUDGE