

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

8 **MONICA BENABIDEZ,**

9 **Plaintiff**

10 **v.**

11 **INTEGRITY SOLUTION SERVICES,**
12 **INC. dba PINNACLE FINANCIAL**
13 **GROUP, INC; and DOES 1 through 10,**
14 **inclusive,**

Defendant

CASE NO. 1:14-CV-0118 AWI BAM

**ORDER CLOSING ACTION IN LIGHT
OF THE PARTIES' VOLUNTARY
DISMISSAL**

15 On June 2, 2014, the parties filed a stipulation of voluntary dismissal of this action with
16 prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A).

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

18 [T]he plaintiff may dismiss an action without a court order by filing: (i) a notice of
19 dismissal before the opposing party serves either an answer or a motion for
20 summary judgment; (ii) a stipulation signed by all parties who have appeared.

21 Rule 41(a)(1)(A)(ii) allows the parties to dismiss an action voluntarily by filing a written
22 stipulation to dismiss signed by all of the parties who have appeared. Carter v. Beverly Hills Sav.
23 & Loan Asso., 884 F.2d 1186, 1191 (9th Cir. 1989). Once the stipulation between the parties who
24 have appeared is properly filed or made in open court, the action is automatically terminated.
25 Commercial Space Mgmt. Co. v. Boeing Co., 193 F.3d 1074, 1077 (9th Cir. 1999); Concha v.
26 London, 62 F.3d 1493, 1506 (9th Cir. 1995); cf. Wilson v. City of San Jose, 111 F.3d 688, 692
27 (9th Cir. 1997) (addressing Rule 41(a)(1)(A)(i) dismissals).
28

1 Because the parties have filed a stipulation for dismissal of this case with prejudice under
2 Rule 41(a)(1)(A)(ii) that is signed by all parties who have made an appearance, this case has
3 terminated. See Fed. R. Civ. Pro. 41(a)(1)(A)(ii).

4 Therefore, the Clerk of the Court is DIRECTED to close this case in light of the properly
5 signed and filed Rule 41(a)(1)(A)(ii) Stipulation Of Dismissal With Prejudice.

6
7 IT IS SO ORDERED.

8 Dated: June 3, 2014



SENIOR DISTRICT JUDGE