

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF CALIFORNIA

3
4 ZLFRED'S, INC., et al.,

5 Plaintiffs,

6 v.

7 TRISTAR MOTORS, LLC, et al.,

8 Defendant.

1:14-CV-311-LJO-GSA

ORDER RE DEFENDANT'S
VOLUNTARY DISMISSAL OF
COUNTERCLAIMS (DOC. 20)

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10 On June 30, 2014, Azita Rezaei ("Counterclaimant") filed a voluntary dismissal of her
11 counterclaims under Fed. R. Civ. P. 41(a). Doc. 20 at 1. This request will be construed as one for
12 voluntary dismissal under Fed. R. Civ. P. 41(c), which applies to counterclaims. Specifically, the request
13 will be construed as one for voluntary dismissal under Fed. R. Civ. P. 41(c)(1) because no responsive
14 pleading to the counterclaims has been served. Counterclaimant requests that the Court issue an order
15 dismissing all of her counterclaims without prejudice. *Id.*

16 Based on Counterclaimant's notice of voluntary dismissal under Fed. R. Civ. P. 41(c), this Court:

- 17
- 18 1. DISMISSES without prejudice Counterclaimant's counterclaims;
 - 19 2. DENIES AS MOOT Plaintiffs' motion to dismiss; and
 - 20 3. VACATES the July 14, 2014 hearing date.
 - 21 4. The Clerk of Court is directed not to close this action.

22 IT IS SO ORDERED.

23 Dated: July 1, 2014

24 /s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE