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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

CECIL SHAW,

Plaintiff,

vs.

HANG YAN FOU, et al.,

Defendants.

) No. 1:14-cv-01710-SKO

) **STIPULATION FOR DISMISSAL OF**
) **ACTION; ORDER**

IT IS HEREBY STIPULATED by and between Plaintiff Cecil Shaw and Defendants Hang Yan Fou, Ratha Minn, Rosa Maria Vasquez dba La Mejor Mexican Food, and Sukha Singh dba JCM Mini Mart #2, the parties to this action, by and through their respective counsel, that pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the above-captioned action be dismissed with prejudice in its entirety. Each party is to bear its own attorneys' fees and costs.

Date: March 3, 2015

MOORE LAW FIRM, P.C.

/s/ Tanya E. Moore
Tanya E. Moore
Attorneys for Plaintiff
Cecil Shaw

1 Date: March 3, 2015

WILLIAMS, BRODERSEN & PRITCHETT LLP

2
3 /s/ Steven R. Williams

4 Steven R. Williams

5 Attorneys for Defendants

6 Hang Yan Fou, Ratha Minn, Rosa Maria Vasquez
7 dba La Mejor Mexican Food, and Sukha Singh dba
8 JCM Mini Mart #2

9 **ORDER**

10 Federal Rule of Civil Procedure 41 allows the parties to dismiss an action voluntarily,
11 after service of an answer, by filing a written stipulation to dismiss signed by all of the parties
12 who have appeared, although an oral stipulation in open court will also suffice. *See Eitel v.*
13 *McCool*, 782 F.2d 1470, 1472-73 (9th Cir. 1986).

14 Once the stipulation between the parties who have appeared is properly filed or made in
15 open court, no order of the court is necessary to effectuate dismissal. Caselaw concerning
16 stipulated dismissals under Rule 41(a)(1)(A)(ii) is clear that the entry of such a stipulation of
17 dismissal is effective automatically and does not require judicial approval. *Commercial Space*
18 *Mgmt. Co. v. Boeing Co.*, 193 F.3d 1074, 1077 (9th Cir. 1999).

19 Because the parties have filed a stipulation for dismissal of this case with prejudice
20 under Rule 41(a)(1)(A)(ii) signed by all parties who have made an appearance, this case has
21 terminated. Fed. R. Civ. P. 41(a)(1)(A)(ii). Accordingly IT IS HEREBY ORDERED that the
22 Clerk of the Court is to administratively close this case.

23 IT IS SO ORDERED.

24 Dated: March 4, 2015

/s/ Sheila K. Oberto
25 UNITED STATES MAGISTRATE JUDGE

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STIPULATION FOR DISMISSAL OF ACTION; ORDER