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

KENNETH WILLIS,	)	Case No.: 1:15-cv-00688 - JLT
	)	
Plaintiff,	)	ORDER VACATING ORDER CLOSING THE
	)	CASE
v.	)	
	)	ORDER DENYING WITHOUT PREJUDICE
ENTERPRISE DRILLING FLUIDS, INC., et al.,	)	REQUEST FOR ENTRY OF JUDGMENT IN
	)	FAVOR OF DRILTEK
Defendants.	)	
	)	

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On August 15, 2017, the plaintiff and defendant, Enterprise Drilling Fluids, Inc and James Joslyn, filed a stipulation to dismiss the action as to these defendants. (Doc. 84) The stipulation relied upon Fed. R. Civ. P. 41(a)(1)(A)(ii) and specifically cited this section. Id at 1. In reliance upon this representation and not noting that defendant Driltek did not sign the stipulation, the Court ordered the matter closed.<sup>1</sup> (Doc. 85) Immediately thereafter, the plaintiff sought the entry of judgment related to the Court’s grant of summary judgment. (Doc. 86) This alerted the Court that its prior order closing the case was not proper.

Notably, Fed.R. Civ. P. 41(a)(1)(A)(ii) reads, “the plaintiff may dismiss an action without a court order by filing: . . . a stipulation of dismissal signed by all parties who have appeared.” Thus, because Driltek did not sign the stipulation, the Court erred in closing the case. Thus, the Court

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<sup>1</sup> Indeed, the Court preserved the right of the class and the collection to bring class and PAGA claims “in a different action.” (Doc. 85 at 2)

1 **ORDERS:**

2 1. The Court's order closing the case (Doc. 85) is **VACATED** and the case is reopened  
3 with all of the scheduled case deadlines restored. In future, if the plaintiff wishes to dismiss the case,  
4 he may file a proper stipulation signed by **all** parties who have appeared in this action  
5 (Fed.R.Civ.P.41(a)(1)) or he may file a request to dismiss the entire action (Fed.R.Civ.P.41(a)(2)). If  
6 he seeks to dismiss the action only as to one party, he **SHALL** move the Court to do so according to the  
7 requirements of Fed.R.Civ.P. 21;

8 2. The request for entry of judgment in favor of Driltek (Doc. 86) is **DENIED** without  
9 prejudice.

10  
11 IT IS SO ORDERED.

12 Dated: August 17, 2017

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE