UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

JOHN SHARP, et al.,	Case No.: 1:15-cv-1162 - JLT
Plaintiffs, v.	ORDER DISCHARGING THE ORDER TO SHOW CAUSE DATED JUNE 8, 2016 (Doc. 65)
ERNEST DEAN SOEST, et al.,	ORDER GRANTING THE MOTION TO DISMISS THE CROSS-CLAIMS OF DEFENDANT ENES
Defendant.	DEAN SOEST AGAINST KENNETH DONALD
AND RELATED ACTIONS	MUNN AND AIR BRAVO CARGO (Doc.66)

At a conference with the parties on May 20, 2016, the Court was informed that Defendant Earnest Soest intended to dismiss the cross-complaint against Bravo Air Cargo. Accordingly, the Court ordered Defendant Ernest Soest to "file his notice of voluntary dismissal (or stipulation to dismiss) under Fed.R.Civ.P. 41(a), as to cross-defendant Bravo Air Cargo no later than June 3, 2016." (Doc. 64 at 1, emphasis omitted)

After Mr. Soest failed to comply with the deadline, the Court issued an order to show cause why the cross-claims should not be dismissed. (Doc. 65) Mr. Soest filed a timely response to the order, requesting dismissal of the cross-claims against Kenneth Donald Munn with prejudice, and against Air Bravo Cargo without prejudice. (Doc. 66)

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure, the Court may dismiss a claim upon the request of a party. However, a voluntary dismissal under Rule 41(a)(1)(A)(i) must be made

before a responsive pleading is served. Any other dismissal may only be made upon a request of the parties to the court, and "on terms that the court considers proper." Fed. R. Civ. P. 41(a)(2). Because the parties previously discussed the cross-claims during a status conference with the Court, the Court finds the dismissal of the claims requested by Soest are appropriate. Accordingly, IT IS HEREBY ORDERED: 1. The Order to Show Cause dated June 8, 2016 (Doc. 65) is **DISCHARGED**; Defendant Ernset Dean Soest's motion to dismiss (Doc. 66) is **GRANTED**; 2. 3. The cross-claims against Kennenth Donald Munn are **DISMISSED WITH** PREJUDICE; and 4. The cross-claims against Air Bravo Cargo are **DISMISSED WITHOUT PREJUDICE**. IT IS SO ORDERED. June 28, 2016 /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE Dated: