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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 FOWLER PACKING COMPANY, INC., et
12 al.,

13 Plaintiffs,

14 v.

15 DAVID M. LANIER, et al.,

16 Defendants.

Case No. 1:16-cv-00106-DAD-SAB

ORDER DIRECTING THE CLERK OF THE
COURT TO TERMINATE GERAWAN
FARMING, INC., AS A PLAINTIFF IN THIS
ACTION

(ECF No. 96)

17 On November 10, 2022, the Plaintiff Gerawan Farming, Inc., and Defendants, filed a
18 stipulated notice of dismissal pursuant to Federal Rule of Civil Procedure 41(a) of Plaintiff
19 Gerawan Farming, Inc.’s claims in this action. (ECF No. 96.) The dismissal of the claims
20 between Plaintiff Gerawan Farming, Inc., is with prejudice. (Id.) The claims between the other
21 parties remain active and are not subject to the stipulation. (Id.)

22 Rule 41(a) of the Federal Rules of Civil Procedure allows a party to dismiss some or all
23 of the defendants in an action through a Rule 41(a) notice. Wilson v. City of San Jose, 111 F.3d
24 688, 692 (9th Cir. 1997); see also Concha v. London, 62 F.3d 1493, 1506 (9th Cir. 1995) (“The
25 plaintiff may dismiss either some or all of the defendants—or some or all of his claims—through
26 a Rule 41(a)(1) notice.”). “Filing a notice of voluntary dismissal with the court automatically
27 terminates the action as to the defendants who are the subjects of the notice.” Concha, 62 F.3d at
28

1 1506.

2 Accordingly, the Clerk of the Court is DIRECTED to terminate Plaintiff Gerawan
3 Farming, Inc., as a party in this action.

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5 IT IS SO ORDERED.

6 Dated: November 14, 2022


UNITED STATES MAGISTRATE JUDGE

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