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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CORY LARSON,  
  
Plaintiff,  
  
v.  
  
HARMAN-MANAGEMENT  
CORPORATION and 3SEVENTY, INC,  
  
Defendants.

No. 1:16-cv-000219-DAD-SKO

**ORDER DIRECTING THE CLERK TO  
TERMINATE DEFENDANT 3SEVENTY,  
INC.**

(Doc. 194)

On June 12, 2019, Plaintiff and Defendant 3Seventy, Inc. (“3Seventy”) filed a stipulation of dismissal of 3Seventy, without prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A). (Doc. 194.)

In relevant part, Rule 41(a)(1)(A) provides as follows:

[A] plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.

Fed. R. Civ. P. 41(a)(1)(A). “The plaintiff may dismiss some or all of the defendants, or some or all of his claims, through a Rule 41(a)(1) notice,” and the dismissal “automatically terminates the action as to the defendants who are the subjects of the notice.” *Wilson v. City of San Jose*, 111

1 F.3d 688, 692 (9th Cir. 1997).

2 Because Plaintiff and 3Seventy filed a stipulation of dismissal without prejudice under Rule  
3 41(a)(1)(A)(ii), this case has automatically terminated as to Defendant 3Seventy, Inc. Fed. R. Civ.  
4 P. 41(a)(1)(A). Accordingly, the Clerk of Court is directed to TERMINATE Defendant 3Seventy,  
5 Inc.

6 This case shall remain OPEN pending resolution of Plaintiff's case against the remaining  
7 defendant.

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9 IT IS SO ORDERED.

10 Dated: June 13, 2019

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE

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