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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOGERT ABRANTES and JOANNE
GOSS, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

FITNESS EVOLUTION, LLC, et al.,

Defendants.

No. 1:16-cv-00903-LJO-SKO

ORDER DIRECTING THE CLERK TO
TERMINATE DEFENDANTS FITNESS
EVOLUTION, LLC; FITNESS EVOLUTION
ENCINITAS; FITNESS EVOLUTION; JEFF
MAYERSON dba FITNESS EVOLUTION;
SANJIV CHOPRA; JUSTIN BELL;
CHRISTOPHER JOHNSON; FITNESS 19;
FITNESS 19 CA 228, LLC; FITNESS
EVOLUTION ASHLAN; FITNESS
EVOLUTION BLACKSTONE; FITNESS
EVOLUTION CENTERPOINT; FITNESS
EVOLUTION FIGARDEN LOOP; and
FITNESS EVOLUTION HERNDON

(Doc. No. 16)

On March 24, 2017, Plaintiffs filed a notice of voluntary dismissal of Defendants Fitness Evolution, LLC; Fitness Evolution Encinitas; Fitness Evolution; Jeff Mayerson dba Fitness Evolution; Sanjiv Chopra; Justin Bell; Christopher Johnson; Fitness 19; Fitness 19 CA 228, LLC; Fitness Evolution Ashlan; Fitness Evolution Blackstone; Fitness Evolution Centerpoint; Fitness Evolution Figarden Loop; and Fitness Evolution Herndon without prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (Doc. No. 16.)

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

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

5 Fed. R. Civ. P. 41(a)(1)(A). “The plaintiff may dismiss some or all of the defendants, or some or
6 all of his claims, through a Rule 41(a)(1) notice,” and the dismissal “automatically terminates the
7 action as to the defendants who are the subjects of the notice.” *Wilson v. City of San Jose*, 111
8 F.3d 688, 692 (9th Cir. 1997).

9 Because Plaintiffs filed a notice of dismissal of this case without prejudice under Rule
10 41(a)(1)(A)(i), this case has automatically terminated as to Defendants Fitness Evolution, LLC;
11 Fitness Evolution Encinitas; Fitness Evolution; Jeff Mayerson dba Fitness Evolution; Sanjiv
12 Chopra; Justin Bell; Christopher Johnson; Fitness 19; Fitness 19 CA 228, LLC; Fitness Evolution
13 Ashlan; Fitness Evolution Blackstone; Fitness Evolution Centerpoint; Fitness Evolution Figarden
14 Loop; and Fitness Evolution Herndon. Fed. R. Civ. P. 41(a)(1)(A)(i).

15 Accordingly, the Clerk of the Court is directed to TERMINATE Defendants Fitness
16 Evolution, LLC; Fitness Evolution Encinitas; Fitness Evolution; Jeff Mayerson dba Fitness
17 Evolution; Sanjiv Chopra; Justin Bell; Christopher Johnson; Fitness 19; Fitness 19 CA 228, LLC;
18 Fitness Evolution Ashlan; Fitness Evolution Blackstone; Fitness Evolution Centerpoint; Fitness
19 Evolution Figarden Loop; and Fitness Evolution Herndon.

20 This case shall remain OPEN pending resolution of the Plaintiffs’ case against remaining
21 Defendant, M Group Fitness, LLC.

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23 IT IS SO ORDERED.

24 Dated: March 31, 2017

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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