1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 EASTERN DISTRICT OF CALIFORNIA 8 Case No. 1:16-cv-00903-LJO-SKO JOGERT ABRANTES, et al., 9 ORDER RECOGNIZING OPERATIVE 10 Plaintiff, COMPLAINT AND DIRECTING CLERK TO TERMINATE DEFENDANT M 11 v. GROUP FITNESS, LLC ON THE DOCKET FOR THIS CASE 12 M GROUP FITNESS, LLC, (Doc. 20) 13 Defendant. 14 15 16 Before the Court is the parties' joint Stipulation to Allow Plaintiff to File a Second 17 Amended Complaint (the "Stipulation"), in which the parties state that they stipulate to permit 18 Plaintiff to file an amended complaint and dismiss Defendant M Group Fitness, LLC. (Doc. 20 at 19 1–3.) As to the amendment, Federal Rule of Civil Procedure 15(a)(2) provides that, if a party may 20 not amend its pleading as a matter of course, "a party may amend its pleading only with the 21 opposing party's written consent or the court's leave." Here, all of the remaining parties in this 22 case have provided written consent to permit amendment. (See Doc. 20 at 1-4.) As such, the 23

In the Stipulation, Plaintiffs and Defendant M Group Fitness, LLC also stipulate to the dismissal of this Defendant without prejudice. (*Id.* at 3.) The Stipulation is signed by all parties who have appeared in this action. (*Id.* at 3–4.) Defendant M Group Fitness, LLC is therefore

Court ORDERS that Plaintiff's Second Amended Class Action Complaint, (see id. at 6-18), is

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now the operative complaint in this action.

1	voluntarily dismissed from this case without prejudice pursuant to Federal Rule of Civil Procedure	
2	41(a)(1)(A)(ii). Accordingly, the Court DIRECTS the Clerk to terminate M Group Fitness, LLC	
3	as a defendant on the docket for this case.	
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5	5 IT IS SO ORDERED.	
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7	7 UNITED STATES MAGISTRA	ΓE JUDGE
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