

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHNSTON FARMS.

Plaintiff,

Y.

FRESH GROWERS DIRECT, INC., et al.

Defendants.

No. 1:17-cv-00016-LJO-SKO

ORDER DIRECTING THE CLERK TO
TERMINATE DEFENDANTS FRESH
GROWERS DIRECT, INC. and GILL
GOLDMAN

(Doc. 18)

On October 25, 2017, Plaintiff filed a notice of voluntary dismissal of Defendants Fresh Growers Direct, Inc. and Gill Goldman without prejudice, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). (Doc. 18.)

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

28

1 Because Plaintiff filed a notice of dismissal of this case without prejudice under Rule
2 41(a)(1)(A)(i), this case has automatically terminated as to Defendants Fresh Growers Direct, Inc.
3 and Gill Goldman. Fed. R. Civ. P. 41(a)(1)(A)(i). Accordingly, the Clerk of the Court is directed
4 to TERMINATE Defendants Fresh Growers Direct, Inc. and Gill Goldman.

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

IT IS SO ORDERED

9 Dated: October 30, 2017

Is/ Sheila K. Oberlo
UNITED STATES MAGISTRATE JUDGE