UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

TERI BROWN, individually and on behalf of all others similarly situated, Plaintiffs, v. CHARTER COMMUNICATIONS, INC., Defendant.	Case No.: 1:17-cv-00670 - LJO - JLT ORDER CLOSING CASE (Doc. 53)

The parties have stipulated to dismiss the action with prejudice each side to bear their own fees and costs. (Doc. 53) The stipulation does not address the class members. Thus, the action as to the putative class is closed without prejudice to the refiling of the action.

The stipulation relies upon Fed.R.Civ.P. 41, which permits the plaintiff to dismiss an action without a court order "by filing . . . a stipulation of dismissal signed by all parties who have appeared." Fed. R. Civ. P. 41(a)(1)(A)(ii). Because all parties who have appeared in the action signed the stipulation (Doc. 79), it "automatically terminate[d] the action." *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997). Accordingly, the Clerk of Court is **DIRECTED** to close this action.

IT IS SO ORDERED.

Dated: **January 16, 2019**

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE