

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA

3
4 E. & J. GALLO WINERY, *et al.*,

5 Plaintiffs,

6 v.

7 INSTITUUT VOOR LANDBOUW - EN
8 VISSERIJONDERZOEK, *et al.*,

9 Defendants.

Case No. 1:17-cv-00808-DAD-EPG

ORDER DIRECTING THE CLERK OF THE
COURT TO TERMINATE DEFENDANT
FLANDERS FOOD

(ECF No. 30)

10 On November 8, 2017, the parties filed a stipulation voluntary dismissal of Defendant
11 Flanders Food without prejudice. (ECF No. 30). Thus, the claims against Defendant Flanders
12 Food have been terminated, *see* Fed. R. Civ. P. 41(a)(1)(A)(ii); *Wilson v. City of San Jose*, 111
13 F.3d 688, 692 (9th Cir. 1997), and dismissed with prejudice. *Concha v. London*, 62 F.3d 1493,
14 1506 (9th Cir. 1995) (“Even if the defendant has filed a motion to dismiss, the plaintiff may
15 terminate his action voluntarily by filing a notice of dismissal under Rule 41(a)(1).”).

16 Accordingly, the Clerk of the Court is DIRECTED to terminate Defendant Flanders Food
17 on the docket.

18 IT IS SO ORDERED.

19
20 Dated: November 8, 2017

/s/ Eric P. Gray
21 UNITED STATES MAGISTRATE JUDGE