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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	CRISTAL MARTINEZ HERNANDEZ,) Case No. 1:17-cv-00869-AWI-SKO
12	Plaintiff,	ORDER GRANTING STIPULATION TO DISMISS ENTIRE ACTION WITH
13	VS.) PREJUDICE
14	KOHL'S DEPARTMENT STORES, INC.,)) (Doc. 17))
15	Defendant.	
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17	On July 12, 2018, the parties filed a stipulation requesting that the present action be dismissed	
18	with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1), with each party to bear its own	
19	costs and attorney's fees. (Doc. 17.)	
20	In relevant part, Federal Rule of Civil Procedure 41(a)(1)(A) provides as follows:	
21	[A] plaintiff may dismiss an action withou	out a count and on hay filings (i) a nation of
22	[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.	
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25	Fed. R. Civ. P. 41(a)(1)(A). Rule 41 thus allows the parties to dismiss an action voluntarily	
26	after service of an answer, by filing a written stipulation to dismiss signed by all parties who have	
27	appeared, although an oral stipulation in open court will also suffice. See Eitel v. McCool, 782 F.20	
28	1470, 1472-73 (9th Cir. 1986).	
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1	Once the stipulation between the parties who have appeared is properly filed or made in open	
2	court, no order of the court is necessary to effectuate dismissal. Case law concerning stipulated	
3	dismissals under Rule 41(a)(1)(A)(ii) is clear that the entry of such a stipulation of dismissal is	
4	effective automatically and does not require judicial approval. Commercial Space Mgmt. Co. v.	
5	Boeing Co., 193 F.3d 1074, 1077 (9th Cir. 1999). Because the parties have filed a stipulation for	
6	dismissal of this case with prejudice under Rule 41(a)(1)(A)(ii) that is signed by all parties who have	
7	made an appearance, this case has terminated. Fed. R. Civ. P. 41(a)(1)(A)(ii).	
8	Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court close this case.	
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10	IT IS SO ORDERED.	
11	Dated: July 13, 2018	
12	UNITED STATES MAGISTRATE JUDGE	
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