

1
2
3
4
5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
7

8 **HOMER HARRIS, an Individual;**
9 **FREEDOM MORTGAGE**
10 **CORPORATION, a Corporation;**

11 **Plaintiffs,**

12 **v.**

13 **ATHENE ANNUITY AND LIFE**
14 **ASSURANCE COMPANY, a Corporation;**
15 **PROTECTIVE LIFE INSURANCE**
16 **COMPANY, a Corporation; and Does 1**
17 **through 50, inclusive;**

18 **Defendants.**

CASE NO. 1:17-CV-01383-AWI-BAM

ORDER REGARDING NOVEMBER 21,
2019 STIPULATION FOR DISMISSAL
WITH PREJUDICE

(Doc. No. 46)

19 On October 9, 2019, Defendants Athene Annuity and Life Assurance Company and
20 Protective Life Insurance Company (“Defendants”) filed a Notice of Settlement pursuant to Local
21 Rule 160. Doc. No. 44.

22 On October 10, 2019, the Court issued a Minute Order vacating all pending dates and
23 matters and ordering the parties to file appropriate papers to dismiss or conclude this action in its
24 entirety by November 25, 2019. Doc. No. 45.

25 On November 21, 2019, Defendants and Plaintiff Homer Harris filed a Joint Stipulation
26 pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure purporting to dismiss the action
27 with prejudice. Doc. No. 46. The Court notes, however, that the Joint Stipulation is not signed by
28 Involuntary Plaintiff Freedom Mortgage Corporation, which appeared in this action on or before

1 August 28, 2018. See Doc. No. 35.

2 Rule 41(a)(1)(A) provides that a plaintiff may dismiss an action without a court order by
3 filing “a stipulation of dismissal signed by all parties who have appeared.” Fed.R.Civ.P.

4 41(a)(1)(A). Inasmuch as Freedom Mortgage Corporation is not a signatory, it does not appear
5 that the Joint Stipulation, as filed on November 21, 2019, complies with this requirement.

6 The Court hereby vacates the November 25, 2019 deadline set forth in the Court’s October
7 10, 2019 Minute Order regarding dismissal and orders the parties to file appropriate papers to
8 dismiss or conclude this action in its entirety by December 9, 2019. Alternatively, the parties may
9 file by December 9, 2019 briefing as to why the November 21, 2019 Joint Stipulation is sufficient
10 in its current form to effect complete dismissal of this action with prejudice.

11
12 **ORDER**

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. The November 25, 2019 deadline set forth in the Court’s October 10, 2019 is
15 VACATED;
- 16 2. The parties shall file by December 9, 2019 either appropriate papers to dismiss or
17 conclude this action in its entirety or briefing as to why the November 21, 2019 Joint
18 Stipulation is sufficient in its current form to effect complete dismissal of this action with
19 prejudice.

20
21 IT IS SO ORDERED.

22 Dated: November 25, 2019

23 
24 SENIOR DISTRICT JUDGE