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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TERILYN SCHUBERT,)	Case No. 1:18-cv-00481-LJO-SAB
)	
Plaintiff,)	ORDER RE STIPULATION TO DISMISS
)	TRINITY HEALTH WELFARE BENEFIT
v.)	PLAN
)	
HARTFORD LIFE AND ACCIDENT)	(ECF No. 9)
INSURANCE COMPANY; et al.,)	
)	
Defendants.)	
)	
)	

On June 4, 2018, the parties filed a stipulation to dismiss Trinity Health Welfare Benefit Plan from this action. (ECF No. 9.) “[U]nder Rule 41(a)(1)(A)(i), ‘a plaintiff has an absolute right to voluntarily dismiss his action prior to service by the defendant of an answer or a motion for summary judgment.’ ” Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999) (quoting Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)). The Ninth Circuit has held that Rule 41(a) allows a plaintiff to dismiss without a court order any defendant who has yet to serve an answer or motion for summary judgment. Pedrina v. Chun, 987 F.2d 608, 609 (9th Cir. 1993). Rule 41(a) allows a party to dismiss some or all of the defendants in an action through a Rule 41(a) notice. Wilson, 111 F.3d at 692. Here, no defendant has filed an answer or motion for

1 summary judgment.

2 In light of the stipulation of the parties, IT IS HEREBY ORDERED that Defendant Trinity
3 Health Welfare Benefit Plan only shall be dismissed from this action without prejudice.

4 IT IS SO ORDERED.

5 Dated: June 4, 2018

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UNITED STATES MAGISTRATE JUDGE