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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ZYMEX INDUSTRIES, INC.,
Plaintiff,
v.
ZIBA FOODS, LLC,
Defendant.

Case No. 1:20-cv-01086-NONE-SAB
ORDER DIRECTING CLERK OF COURT
TO CLOSE CASE AND REFLECT
VOLUNTARY DISMISSAL PURSUANT TO
FEDERAL RULE OF CIVIL PROCEDURE
41(A)
(ECF Nos. 27, 28)

On October 19, 2021, the parties filed a joint notice of request to seal their confidential settlement agreement pursuant to Local Rule 141(b) concurrently with a notice of dismissal pursuant to Federal Rule of Civil Procedure 41 and a request that the Court retain jurisdiction for purposes of enforcing the confidential settlement agreement reached between the parties.¹ (ECF Nos. 27, 28.) On October 21, 2021, the Court denied the parties' request to seal and to retain jurisdiction over their agreement without prejudice to the filing of a renewed request that comported with the Court's order. (ECF No. 29.) The parties were granted twenty-one (21) days to file any such renewed request and were advised that if no requests were filed, the Court would direct the Clerk of the Court to close the case and adjust the docket to reflect the parties' voluntary dismissal pursuant to Rule 41. (See ECF Nos. 28, 29.) The time for the parties to file any

¹ The stipulation of dismissal indicates the action shall be dismissed with prejudice, with each party to bear its own attorneys' fees and costs. (ECF No. 28 at 2.)

1 renewed request has now passed and no requests have been filed.

2 Accordingly, in light of the stipulation of the parties, this action is terminated by operation
3 of law, Fed. R. Civ. P. 41(a)(1)(A)(ii); Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir.
4 1997), and has been dismissed with prejudice and without an award of costs of attorneys' fees.
5 The Clerk of the Court is HEREBY DIRECTED to assign a district judge to this case for the
6 purpose of closing the case and then to adjust the docket to reflect voluntary dismissal of this
7 action pursuant to Rule 41 (a).

8
9 IT IS SO ORDERED.

10 Dated: November 18, 2021



UNITED STATES MAGISTRATE JUDGE