UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JIMMY RODRIGUEZ,
 	
                Plaintiff,
 	
     v.
 	
SUKUT CONSTRUCTION, INC. *et al.*
 	
                Defendants.
	Case No. 1:22-cv-01181-CDB
	
	ORDER ON STIPULATION OF VOLUNTARY DISMISSAL PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii)
	
	(Doc. 36)
	
	ORDER DENYING MOTION AS MOOT
	
	(Doc. 25)

JIMMY RODRIGUEZ,
 	
                Plaintiff,
 	
     v.
 	
DRAGADOS USA, INC., *et al.*
 	
                Defendants.
	Case No. 1:22-cv-01500-CDB
	
	ORDER ON STIPULATION OF VOLUNTARY DISMISSAL PURSUANT TO FED. R. CIV. P. 41(a)(1)(A)(ii)
	
	(Doc. 28)
	
	ORDER DENYING MOTION AS MOOT
	
	(Docs. 17)

In these two related cases – one brought as a putative class action, one brought pursuant to California's Private Attorneys General Act of 2004 – Defendants filed motions to compel arbitration

and for judgment on the pleadings, both noticed for hearing before the Court on April 24, 2023.[1] *See*

Rodriguez v. Sukut Construction, Inc. et al., No. 1:22-cv-01181-CDB (Doc. 25); *Rodriguez v.*

Dragados USA, Inc. et al., No. 1:22-cv-01500-CDB (Doc. 17). On April 4, 2023, Defendants filed in

the respective cases joint stipulations to continue the hearings on the motion to compel arbitration and

motion for judgment on the pleadings. *Rodriguez v. Sukut Construction, Inc., et al,* No. 1:22-cv-

01181-CDB (Doc. 31); *Rodriguez v. Dragados USA, Inc., et al,* No. 1:22-cv-01500-CDB (Doc. 23).

Counsel for the parties represented in their stipulations that they reached a settlement agreement in

principle on an individual, non-class basis with respect to Plaintiff's claims. *Id*. Further, Plaintiff

agreed to voluntarily dismiss his class claims in both cases. *Id*.

On May 12, 2023, the parties filed a joint status report noting they were "finalizing the terms

of a comprehensive settlement agreement providing for a dismissal with prejudice of plaintiff's

induvial claims and a dismissal without prejudice of the class and representative claims" in both

actions. *Rodriguez v. Sukut Construction, Inc., et al,* No. 1:22-cv-01181-CDB (Doc. 34); *Rodriguez v.*

Dragados USA, Inc., et al, No. 1:22-cv-01500-CDB (Doc. 26).

On May 18, 2023, the parties filed joint stipulations noticing voluntary dismissal pursuant to

Fed. R. Civ. P. 41(a)(1)(A)(ii) in both cases. *Rodriguez v. Sukut Construction, Inc., et al,* No. 1:22-cv-

01181-CDB (Doc. 36); *Rodriguez v. Dragados USA, Inc., et al,* No. 1:22-cv-01500-CDB (Doc. 28).

The parties agree that the cases be dismissed in their entirety, with prejudice as to Plaintiff's individual

claims, and without prejudice as to the representative claims asserted in both actions. *Id*.

Accordingly, in light of the parties' representations, IT IS HEREBY ORDERED:

1.   Defendants' motions to compel arbitration filed in *Rodriguez v. Sukut Construction,*

Inc., et al, No. 1:22-cv-01181-CDB (Doc. 25) and motion for judgment filed in

Rodriguez v. Dragados USA, Inc., et al, No. 1:22-cv-01500-CDB (Doc. 17) shall be

DENIED AS MOOT;

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[1]   The parties have consented to the jurisdiction of the United States Magistrate Judge in both captioned cases and these actions has been assigned to Magistrate Judge Christopher D. Baker for all purposes. *Rodriguez v. Sukut Construction, Inc. et al.*, No. 1:22-cv-01181-CDB (Doc. 14); *Rodriguez v. Dragados USA, Inc. et al.,* No. 1:22-cv-01500-CDB (Doc. 16).

1   2.   The cases of *Rodriguez v. Sukut Construction, Inc., et al*, No. 1:22-cv-01181-CDB and

2   *Rodriguez v. Dragados USA, Inc., et al*, No. 1:22-cv-01500-CDB are terminated in

3   their entirety by operation of law with prejudice as to Plaintiff's individual claims <u>only</u>

4   and without prejudice as to the representative claims, with all parties bearing their own

5   attorney's fees and costs, without further order from the Court;

6   3.   The Clerk of Court is directed to close *Rodriguez v. Sukut Construction, Inc., et al*, No.

7   1:22-cv-01181-CDB and *Rodriguez v. Dragados USA, Inc., et al*, No. 1:22-cv-01500-

8   CDB.

9   IT IS SO ORDERED.

10   Dated: **May 19, 2023**   _____

11   UNITED STATES MAGISTRATE JUDGE