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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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10 CYNTHIA PRIMAVERA,
11 Plaintiff,
12 v.
13 THE BANK OF MISSOURI, et al.,
14 Defendants.
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Case No. 1:23-cv-00233-ADA-EPG

ORDER RE: STIPULATION FOR
DISMISSAL WITH PREJUDICE OF
DEFENDANT EQUIFAX INFORMATION
SERVICES, LLC ONLY

(ECF No. 32)

18 On November 8, 2023, Plaintiff Cynthia Primavera and Defendant Equifax Information
19 Services, LLC (Equifax) filed a stipulation of dismissal with prejudice of the claims against
20 Equifax under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), with each party to bear its own
21 costs and attorney fees. (ECF No. 32). However, because Rule 41(a)(1)(A)(ii) requires a
22 stipulation of dismissal to be “signed by all parties who have appeared,” and only Plaintiff and
23 Equifax have signed the stipulation, the Court will require the remaining Defendant in the case
24 who has appeared—The Bank of Missouri—to submit a filing approving or opposing the
25 stipulation of dismissal. *See Thacker v. AT&T Corp.*, No. 2:20-CV-00255-KJM-CKD PS, 2021
26 WL 1784873, at *1 (E.D. Cal. May 5, 2021), *report and recommendation adopted*, 2021 WL
27 4168533 (E.D. Cal. Sept. 14, 2021) (noting that court was “unaware of any case waiving the
28 requirement that the stipulation . . . must be made by all parties who have appeared” and that
“[t]he requirement to obtain all parties’ consent to voluntarily dismiss (without a court order) is

1 intended to ensure that a voluntary dismissal of a party at later stages of the litigation does not
2 cause plain legal prejudice to the party to be dismissed or to the remaining defendant(s)”).

3 Accordingly, IT IS ORDERED as follows:

- 4 1. By no later than November 20, 2023, Defendant Bank of Missouri shall file a signed
5 document reflecting its approval of the stipulation of dismissal (ECF No. 32) or file a
6 response opposing the stipulation of dismissal.
- 7 2. Alternatively, by no later than November 20, 2023, the parties may file a stipulation of
8 dismissal signed by *all* parties who have appeared in this action in compliance with Rule
9 41(a)(1)(A)(ii).

10 IT IS SO ORDERED.

11 Dated: November 13, 2023

12 /s/ Eric P. Gray
13 UNITED STATES MAGISTRATE JUDGE
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