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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT JOSEPH MARQUEZ, an individual,  
Plaintiff,

v.

TEMU.COM, a Delaware Corporation; PDD  
HOLDINGS, INC., f/k/a PINDUODUO, INC.,  
a Delaware Corporation; WHALECO INC., a  
Delaware Corporation; ANHUI  
KANGFUBAO E-COMMERCE CO., LTD.,  
business entity, form unknown; and DOES 1-  
100, inclusive,  
Defendants.

CASE NO. 1:24-CV-01276-SKO

**STIPULATION AND ORDER  
DISMISSING TEMU.COM**

(Doc. 8)

On November 20, 2024, the parties filed a Joint Stipulation of Dismissal without Prejudice as to Defendant Temu.com, pursuant to Federal Rule of Civil Procedure 41(a). (Doc. 8.)

In relevant part, Rule 41(a)(1)(A) provides as follows:

[A] plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared.

Fed. R. Civ. P. 41(a)(1)(A). “The plaintiff may dismiss some or all of the defendants, or some or all of his claims, through a Rule 41(a)(1) notice,” and the dismissal “automatically terminates the action as to the defendants who are the subjects of the notice.” *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997).

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Because the parties filed a stipulation of dismissal with prejudice under Rule 41(a), this case has automatically terminated as to Defendant Temu.com. Fed. R. Civ. P. 41(a)(1)(A). Accordingly, the Clerk of Court is directed to TERMINATE Defendant Temu.com.

This case shall remain OPEN pending resolution of Plaintiffs' case against the remaining defendant.

IT IS SO ORDERED.

Dated: November 22, 2024

*Is/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE