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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ELMER and KATHY BUICK,
Plaintiffs,

No. 2:07-cv-01447-MCE-KJM

v.

ORDER

WORLD SAVINGS BANK,
TRANSAMERICAN FINANCIAL
CORPORATION,

Defendants.

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This action arises out of a mortgage loan transaction between Plaintiffs, Elmer and Kathy Buick ("Plaintiffs"), World Savings Bank, n/k/a Wachovia Mortgage ("World"), and Transamerican Financial Corporation ("Transamerican", collectively "Defendants"). Presently before the Court is Plaintiffs' Motion to Dismiss World pursuant to Federal Rule of Civil Procedure 41(a)(2).¹ Plaintiffs have settled with World, who have subsequently fulfilled their obligations under the terms of their settlement agreement.

¹ All further references to "Rule" or "Rules" are to the Federal Rules of Civil Procedure unless otherwise noted.

1 Plaintiffs now seek to dismiss World as a Defendant with
2 prejudice. This will leave Transamerican as the only remaining
3 Defendant.

4 An action may be dismissed at the plaintiff's request by
5 court order, on terms that the court considers proper according
6 to Rule 41(a)(2). A plaintiff is generally permitted to dismiss
7 an action without prejudice, so long as any defendant will not be
8 prejudiced by such action. See Stevedoring Services of America
9 v. Armilla Intern. B.V., 889 F.2d 919, 921 (9th Cir. 1989). When
10 dismissal by consent or stipulation of the parties follows a
11 compromise or settlement of the suit, the dismissal is intended
12 to operate as an end to litigation, and the dismissal is entered
13 with prejudice. See e.g. Goddard v. Security Title Insurance &
14 Guarantee Co., 14 Cal. 2d 47, 55 (1939); O'Connor v. Colvin, 70
15 F.3d 530, 531 (9th Cir. 1995).

16 Transamerican has not filed any opposition to Plaintiffs'
17 Motion to Dismiss Defendant World. Because there is no prejudice
18 to the remaining Defendant, and World has settled with Plaintiffs
19 thereby ending its involvement in the suit, the Motion to Dismiss
20 Defendant World is GRANTED with prejudice.²

21 IT IS SO ORDERED.

22 Dated: November 30, 2010

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25 MORRISON C. ENGLAND, JR.
26 UNITED STATES DISTRICT JUDGE

27 ² Because oral argument will not be of material assistance,
28 the Court deemed this matter suitable for decision without oral
argument. E.D. Cal. Local Rule 230 (g).