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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NATOMAS GARDENS INVESTMENT
GROUP LLC, a California
limited liability company,
ORCHARD PARK DEVELOPMENT
LLC, a California limited
liability company,

NO. CIV. S-08-2308 LKK/EFB

Plaintiffs,

v.

O R D E R

JOHN G. SINADINOS, et al.,

Defendants.

_____ /


The court is in receipt of a "Request" from plaintiff Natomas
Gardens Investment Group LLC ("plaintiff") for an order dismissing
its claims "as to all defendants," with prejudice. Dkt. No. 395.
The "request" makes no reference to any rule of federal procedure
nor to any local rule of this court.

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1 Plaintiff may seek an order of this court by filing a proper
2 stipulation or noticed motion. See E.D. Cal. R. 143 & 230.¹ The
3 document filed by plaintiff is neither.² Accordingly, the request
4 is **DENIED**, without prejudice to the filing of a proper stipulation
5 or motion.³

6 IT IS SO ORDERED.

7 DATED: July 24, 2012.

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11 LAWRENCE K. KARLTON
12 SENIOR JUDGE
13 UNITED STATES DISTRICT COURT

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¹ The "request" does not qualify as a voluntary dismissal by the plaintiff under Fed. R. Civ. P. 41(a)(1), as the defendants sought to be dismissed have already answered, and it is not signed by all the defendants who have made an appearance and who are sought to be dismissed (in fact, it is not signed by any of them). See Fed. R. Civ. P. 41(a)(1)(A)(i) and (ii). In addition, the local rules governing ex parte requests (Local R. 231), do not appear to apply here.

² The "request" attaches a twelve-page "Settlement Agreement." However, the "request" for dismissal itself is not signed by anyone other than plaintiff's counsel.

³ The court notes that among the defendants plaintiff asks the court to dismiss are Baljit and Harinder Johl, who are not parties to the attached Settlement Agreement. It appears that plaintiff still has a "derivative" claim for Conversion ("Count Eleven"), pending against the Johls. The Johls have, among other things, hired counsel, twice moved to dismiss (Dkt. Nos. 35 and 129) (the RICO conspiracy claims were dismissed), and moved for attorney fees and costs under Fed. R. Civ. P. 11 (Dkt. No. 266, later withdrawn). Other defendants sought to be dismissed have also engaged counsel and answered the Complaint, First Amended Complaint and/or Second Amended Complaint, including pro se defendant Margarita Leavitt. The court cannot know what dismissal terms are just without having a stipulation from these defendants, or hearing from them on a noticed motion.