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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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ERNEST P. SANCHEZ,
individually and on behalf
of all others similarly
situated,

NO. CIV. S-09-1454 FCD/DAD

Plaintiff,

v.

MEMORANDUM AND ORDER

AVIVA LIFE AND ANNUITY
COMPANY, a foreign entity of
unknown origin; LOOMIS WEALTH
SOLUTIONS, INC., an Illinois
corporation; LAWRENCE LELAND
LOOMIS, an individual; et al.,

Defendants.

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This matter is before the court on plaintiff Ernest P. Sanchez' ("plaintiff") motion to dismiss the class allegations, alleging defendants misrepresented and sold sham investments to plaintiff and others similarly situated.¹ Plaintiff moves to dismiss, pursuant to Federal Rule of Civil Procedure 41(a)(2), on

¹ Because oral argument will not be of material assistance, the court orders this matter submitted on the briefs. E.D. Cal. L.R. 230(g).

1 the ground that information learned during the course of
2 discovery has made class treatment of plaintiff's claims
3 inappropriate. Rule 41(a)(2) permits a plaintiff to voluntarily
4 dismiss an action upon receipt of court approval. Defendants
5 filed a statement of non-opposition to the motion (Docket #110).

6 As such, the court HEREBY grants plaintiff's motion to
7 dismiss all class allegations from the second amended complaint
8 (Docket #102). This action shall proceed against defendants only
9 with respect to plaintiff's individual claims.

10 IT IS SO ORDERED.

11 DATED: September 28, 2010



FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE