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

IGOR CHEPEL; ROOF VERA CHEPEL,
as guardian ad litem for minors, ERICK
CHEPEL, JASON CHEPEL, and
ASHLEY CHEPEL,

Plaintiffs,

No. 2:09-cv-03548 JAM KJN PS

v.

THE LAW OFFICE OF FREDERICK
S. COHEN; FREDERICK S. COHEN,
individually; MARY ROSS;
DR. LARRY NICHOLAS; and DOES 1
through 20,

Defendants.

ORDER

On August 30, 2010, plaintiff Igor Chepel (“Mr. Chepel”), who is the only remaining plaintiff in this action, filed a “Notice of Dismissal Without Prejudice,” seeking dismissal of this action without prejudice pursuant to Federal Rule of Civil Procedure 41. (Dkt. No. 14.) Although Mr. Chepel did not specify a particular subsection of Rule 41 under which the notice of dismissal was filed, the court construes the notice as being filed pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) because the opposing parties have not yet filed answers or motions for summary judgment. As a result, no court order is required to effectuate a voluntary

1 dismissal without prejudice. However, the court enters this order for the sake of clarity and to
2 vacate the hearing date related to a special motion to strike filed by some of the defendants,
3 which is set for a hearing before the undersigned on September 16, 2010.


4 Accordingly, it is HEREBY ORDERED that:

5 1. This action is dismissed without prejudice, and the Clerk of Court is
6 directed to close this case.

7 2. All pending dates in this action are vacated.

8 IT IS SO ORDERED.

9 DATED: September 8, 2010

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14 KENDALL J. NEWMAN
15 UNITED STATES MAGISTRATE JUDGE
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