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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

OWNER-OPERATOR INDEPENDENT
DRIVERS ASSOCIATION, INC., et al.,

Plaintiffs,

v.

RICHARD W. COREY, et al.,

Defendants.

No. 2:14-cv-00186-MCE-AC

ORDER

On March 25, 2014, the parties stipulated that Plaintiffs' Complaint against Defendants Richard W. Corey and Mary D. Nichols, in their personal capacities only, be dismissed without prejudice. ECF No. 26. The parties further stipulated that Defendants Corey and Nichols will remain as Defendants in their official capacities only and that Defendant Matt Rodriguez will also remain as a Defendant only in his official capacity. Id. Pursuant to Fed. R. Civ. Proc. 41(a)(1)(A)(ii), Defendants Richard W. Corey and Mary D. Nichols, in their personal capacities only, are DISMISSED WITHOUT PREJUDICE.¹

¹Although the docket currently shows that all three individual Defendants, Corey, Nichols and Rodriguez, were named as Defendants in both their official and personal capacities, only Defendants Corey and Nichols were initially named in their personal capacities. See ECF No. 1 at 7-8, ¶¶ 24-26. Plaintiffs named Rodriguez as a Defendant in his official capacity only. See id. at 8 ¶ 26.

1 On January 27, 2014, Defendants moved to dismiss Defendants Corey and
2 Nichols in their personal capacities. Mot., ECF No. 21. In light of the parties'
3 stipulations, ECF Nos. 26-27, Defendants' Motion, ECF No. 21, is DENIED as MOOT.
4 See ECF No. 27 at 3 (¶ 5).

5 As set forth above, IT IS HEREBY ORDERED THAT:

- 6 1. Defendants Richard W. Corey and Mary D. Nichols, in their personal
7 capacities only, are DISMISSED WITHOUT PREJUDICE;
- 8 2. Defendants Richard W. Corey, Mary D. Nichols and Matt Rodriguez remain
9 Defendants in their official capacities only; and
- 10 2. Defendant's Motion, ECF No. 21, is DENIED as MOOT.

11 IT IS SO ORDERED.

12 Dated: March 27, 2014

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16 MORRISON C. ENGLAND, JR., CHIEF JUDGE
17 UNITED STATES DISTRICT COURT
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