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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KENNETH MASSINGALE,
Plaintiff,
v.
SELECT PORTFOLIO SERVICING,
INC., et al.,
Defendants.

No. 2:16-cv-2967-KJN

ORDER

On June 8, 2017, after entering into a settlement agreement with defendants, plaintiff filed a notice of voluntary dismissal of the action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), with each side to bear its own fees and costs. (ECF No. 23.) The court confirmed the voluntary dismissal in a minute order dated June 12, 2017. (ECF No. 24.)

Thereafter, on July 3, 2017, defendants filed an ex parte application to expunge a lis pendens with respect to the property at issue in the closed action and for an award of attorneys' fees and costs. (ECF No. 25.) According to defendants, as part of the parties' settlement agreement, plaintiff agreed to execute and file a withdrawal of the lis pendens by May 29, 2017, but has not yet done so to date. Defendants further contend that they have expended \$1,000.00 of attorneys' fees and costs in informally attempting to have plaintiff file the withdrawal of the lis pendens and in bringing this ex parte application.

