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## UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

THE REGENTS OF THE UNIVERSITY OF  
CALIFORNIA,

No. C 11-03622 LB

Plaintiff,

**ORDER DISMISSING ACTION**

v.

BLUE CROSS OF IDAHO HEALTH  
SERVICE, INC.,

Defendant.


On December 19, 2013, the parties to this action filed a Joint Report on Arbitration Status. Joint Report, ECF No. 40. In it, the parties stated that the parties (1) entered into a stipulation to submit all claims in the above captioned lawsuit to binding arbitration, (2) reported that the arbitrator issued a final award on November 25, 2013, which fully resolved all of the claims in this action, and (3) stipulated that this action be closed. *Id.* On December 20, 2013, Plaintiff filed a notice of voluntary dismissal pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Notice, ECF No. 41. This is not allowed because, under Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff may file such a notice only before the opposing party serves either an answer or a motion for summary judgment. Here, Defendant answered Plaintiff's complaint. *See* Answer, ECF No. 19. Thus, to dismiss the action, the parties should have filed a stipulation to dismiss pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii). Under the circumstances, however, given that the arbitrator issued an award and the parties asked that the court close the action, the court dismisses the action with

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prejudice under Federal Rule of Civil Procedure 41(a)(2).

**IT IS SO ORDERED.**

Dated: December 20, 2013

  
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LAUREL BEELER  
United States Magistrate Judge