

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EON CORP IP HOLDINGS LLC,
Plaintiff,
v.
ARUBA NETWORKS INC, et al.,
Defendants.

Case No. 12-cv-01011-JST

**MINUTE ORDER NOTING DISMISSAL
OF DEFENDANTS BROADSOFT,
MERU NETWORKS, ARUBA
NETWORKS AND SERCOMM, OR, IN
THE ALTERNATIVE, GRANTING
JOINT MOTIONS TO DISMISS**

Re: ECF No. 830, 861, 878, 886

In this multiple-defendant action, Plaintiff EON Corp IP Holdings LLC (“Plaintiff”) has filed motions jointly with some (but not all) of the defendants in this case, seeking dismissal of all claims and counterclaims between the jointly moving parties. ECF Nos. 830, 861, 878, 886.

There is authority indicating that the dismissals were effective without Court order. “The plaintiff may dismiss some or all of the defendants . . . through a Rule 41(a)(1) notice,” and “[t]he filing of a notice of voluntary dismissal with the court automatically terminates the action as to the defendants who are the subjects of the notice.” Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997). While Wilson and other cases involved unilateral dismissal under Rule 41(a)(1)(A)(i) rather than stipulated dismissal under Rule 41(a)(1)(A)(ii), the Ninth Circuit has held that the word “action” in 41(a)(1) refers to “the entirety of claims against any single defendant,” rather than to “the entire controversy against all the defendants.” Pedrina v. Chun, 987 F.2d 608, 609 (9th Cir. 1993). At the time Pedrina was decided, the words “in the action” appeared after the words “all parties who have appeared.” See Fed. R. Civ. Pro. 41 (West 1993).

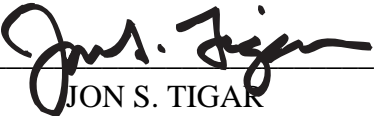
In the alternative, if dismissal was not effective upon court order, since no other parties oppose the motions, the Court hereby GRANTS the joint motions to dismiss pursuant to Rule 41(a)(2).

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Defendants BroadSoft, Meru, Aruba and SerComm have been DISMISSED WITH
PREJUDICE. The Clerk shall terminate these defendants as parties to this action.

IT IS SO ORDERED.

Dated: December 20, 2013



JON S. TIGAR
United States District Judge