

United States District Court
For the Northern District of California

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

DENNIS F., CAROL F., GRACE F.,)	Case No. 12-CV-02819
MARK P., KESTREL P., MAURA T.,)	
EDWARD T., EMILY T., ED L.,)	ORDER DENYING JOINT STIPULATION
MINDY L., KIM B., ALISON B.,)	<u>OF DISMISSAL WITH PREJUDICE</u>
WILLIAM B., LLOYD B., TALYA B.,)	
TIM B., BENJAMIN B., ALAN C.,)	
BROOKE C., ROBIN C., JAMES D.,)	
TIFFANY D., MARK E., MELISSA E.,)	
KEVIN F., ANDREW G., DANIEL G.,)	
MARGARET K., TREVOR K., MARK L.,)	
ELAINE L., LEONARD L., WILLIAM)	
L., N.M., M.M., PERRY P., EVAN)	
P., BRENDA R., BRANDON R.,)	
TIFFANY B., GABRIELLE R.,)	
RICHARD R., WILLIAM R., WAWRENCE)	
S., DAGMAR W., SAMANTHA W.,)	
SHERMAN W., ELEAZAR W., CHERYL)	
N., RODNEY K., BRIAN K., HARRY)	
T., CHRISTOPHER T., ALEX T.)	

Plaintiffs,

v.

AETNA LIFE INSURANCE,

Defendant.

Now before the Court is the parties' stipulation of dismissal with prejudice of named plaintiffs Brenda R. and Brandon R.. ECF No. 122 ("Stip"). For the reasons provided below, the parties'

1 stipulation is DENIED.

2 Parties' stipulation states that "Plaintiffs' counsel have
3 been unable to contact Brenda R. and Brandon R. for many months and
4 have notified them via email and first-class U.S. mail that unless
5 they contact counsel their action against Defendant Aetna Life
6 Insurance Company . . . will be dismissed." Stip. at 1. The
7 parties cite Federal Rule of Civil Procedure 41(a)(1)(A)(ii), which
8 states that voluntary dismissal can be achieved without a court
9 order upon a stipulation of dismissal signed by all parties who
10 have appeared. Brenda R. and Brandon R., however, have not
11 stipulated to their dismissal. If they fail to respond to
12 Defendant's discovery requests, Defendant may file a motion for the
13 sanction of dismissal pursuant to Rule 37.

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15 IT IS SO ORDERED.

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17 Dated: July 28, 2015

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UNITED STATES DISTRICT JUDGE

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