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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ERNESTO VALENCIA, et al.,
Plaintiffs,
v.
VOLKSWAGEN GROUP OF AMERICA
INC, et al.,
Defendants.

Case No. [15-cv-00887-HSG](#)


**ORDER CLARIFYING ORDER OF
DISMISSAL**

Re: Dkt. No. 100

On February 13, 2017, the Court issued an order dismissing this action pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure. See Dkt. No. 100. The order stated in part, “This litigation is hereby dismissed in its entirety, with prejudice” Id. But here, the named plaintiffs have asserted each of the five causes of action on behalf of not only themselves, but also putative class members. See Dkt. No. 98 ¶¶ 123, 139, 155, 163. The Court thus makes express what is necessarily true as a matter of law about the prior order of dismissal: only the plaintiffs’ individual claims are dismissed with prejudice. Because no class has been certified, this dismissal ends the case. To the extent the Court has any further jurisdiction over the putative class claims, those claims are dismissed without prejudice. The Court reaffirms that neither costs nor attorney fees will be awarded to either party. See Dkt. No. 100.

IT IS SO ORDERED.

Dated: 2/15/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge