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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

San Francisco Division

DAVID TAPIA,
Plaintiff,

No. 3:15-cv-01133-LB

ORDER


v.

INDEPENDENT BREWERS UNITED
CORPORATION, et al.,
Defendants.

The plaintiff filed a notice of voluntary dismissal with prejudice. (*See* ECF No. 25.¹) Because the defendant answered, the mechanism for a dismissal without a court order is a stipulated dismissal. *See* Fed. R. Civ. P. 41(a)(1)(A)(ii) & (2). That said, given the parties’ joint representation that they settled the case (*see* ECF No. 23), the court orders the dismissal without prejudice. If any party certifies to the court within **90** days (with proof of service on opposing counsel) that the agreed consideration has not been delivered, then this order will stand vacated, and this case will be restored to the calendar to be set for trial. If no certification is filed, then after 90 days, the dismissal will be with prejudice.

IT IS SO ORDERED.

Dated: December 15, 2015



LAUREL BEELER
United States Magistrate Judge

¹Citations are to the Electronic Case File (“ECF”); pin cites are to the ECF-generated page numbers at the tops of the documents.
ORDER
No. 3:15-cv-01133-LB