

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

JASON PARKER,  
Plaintiff,

No. C 16-04884 WHA

v.

HEY, INC., and TWITTER, INC.,  
Defendants.

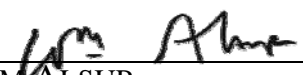
**ORDER RE PLAINTIFF'S  
NOTICE OF VOLUNTARY  
DISMISSAL**

The Court is in receipt of plaintiff Jason Parker's notice of voluntary dismissal (Dkt. No. 52) following a hearing yesterday on defendant Twitter's motion to dismiss (Dkt. No. 49). The notice indicates plaintiff plans to re-file this action in state court. Although the Court gave a tentative ruling at the aforementioned hearing with respect to Twitter's arguments regarding the Communications Decency Act, consent, and the First Amendment, the Court's views on those issues were tentative, not final. At the time of plaintiff's voluntary dismissal, the Court still had Twitter's arguments, including those made by counsel at oral argument, under active consideration. Thus, under no circumstances should plaintiff's counsel represent to the state court that the undersigned judge has already ruled against defendants here.

Counsel shall immediately notify the Court if the voluntary dismissal of this action is in connection with a settlement agreement of any kind between the parties.

**IT IS SO ORDERED.**

Dated: December 9, 2016.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

United States District Court  
For the Northern District of California