

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 OAKLAND DIVISION  
4

5 CHARLOTTE CHAPMAN ALLYN,

6 Plaintiff,

7 vs.

8 METROPOLITAN LIFE INSURANCE  
9 COMPANY,

10 Defendants.

Case No: C 09-5671 SBA

**ORDER**


Docket 92, 94

11 On September 26, 2011, pro se Plaintiff Charolette Chapman Allyn (“Plaintiff”)   
12 filed a document entitled “Plaintiff’s Voluntary Dismissal.” Dkt. 92. On September 27,   
13 2011, Plaintiff filed a document entitled “Amended Plaintiff’s Voluntary Dismissal.” Dkt.   
14 94. Under Federal Rule of Civil Procedure 41, a Court order is required to dismiss the   
15 plaintiff’s action, unless the defendant has not answered or filed for summary judgment or   
16 unless all parties file a stipulation seeking dismissal. Fed. R. Civ. P. 41(a)(1)&(2).   
17 Defendant Metropolitan Life Insurance Company (“Defendant”) has answered and filed for   
18 summary judgment. Dkt. 62, 80. Plaintiff has not filed a stipulation of dismissal signed by   
19 Defendant. Accordingly,   
20

21 IT IS HEREBY ORDERED THAT Defendant file a memorandum of no more than   
22 five (5) pages with the Court within seven (7) days from the date of this Order stating   
23 whether it opposes Plaintiff’s request for voluntary dismissal with prejudice, and, if so, the   
24 reasons for its opposition.

25 IT IS SO ORDERED.

26 Dated: September 28, 2011

27   
28 SAUNDRA BROWN ARMSTRONG  
United States District Judge

1 UNITED STATES DISTRICT COURT  
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4 CHARLOTTE CHAPMAN ALLYN,

5 Plaintiff,

6 v.

7 METROPOLITAN LIFE INSURANCE et al,

8 Defendant.

9 Case Number: CV09-05671 SBA

10 **CERTIFICATE OF SERVICE**

11  
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
13 Court, Northern District of California.

14 That on September 30, 2011, I SERVED a true and correct copy(ies) of the attached, by placing  
15 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
16 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery  
17 receptacle located in the Clerk's office.

18 Charlotte Chapman Allyn  
19 P.O. Box 2026  
20 Napa, CA 94558

21 Dated: September 30, 2011

22 Richard W. Wieking, Clerk

23 By: LISA R CLARK, Deputy Clerk  
24  
25  
26  
27  
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