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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVISON DESIGN & DEVELOPMENT
INC., et al.,

Plaintiffs,

No. C 11-2970 PJH

v.

**ORDER RE JOINT MOTION FOR
DISMISSAL**

CATHY RILEY,

Defendant.

_____ /

United States District Court
For the Northern District of California

The court is in receipt of the parties' joint motion for dismissal with prejudice. The motion purports to seek dismissal of "plaintiffs' claims against defendant and counter-claimant's claims against counter-defendants." Dkt. 228 at 2. However, in its order granting summary judgment and accompanying judgment, the court already granted summary judgment on defendant's counter-claims, leaving nothing left to dismiss at this time. See Dkts. 217, 218. The court also declined to exercise jurisdiction on plaintiff's declaratory judgment claims at that time. Id.

Given that the previous order and judgment appeared to dispose of all claims and counter-claims, the court is unclear about the purpose of the current joint motion to dismiss. If the parties simply seek dismissal of plaintiffs' claims (which the court declined to exercise jurisdiction over), the parties should make that clear in the joint motion. If the parties had some other purpose in filing the joint motion, they should make that clear to the court. The parties are therefore directed to file a joint statement, not to exceed five pages, providing clarification as to the purpose of the joint motion. In the alternative, the parties may also withdraw the current motion, and file a revised motion that more clearly sets forth the relief sought. The parties shall have until **April 10, 2015** to file either the joint statement or the revised motion.

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IT IS SO ORDERED.

Dated: April 3, 2015



PHYLLIS J. HAMILTON
United States District Judge