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4 UNITED STATES DISTRICT COURT  
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
6 OAKLAND DIVISION

7 ANNMARIE GARCIA, individually and on  
8 behalf of All Others Similarly Situated,

9 Plaintiff,

10 vs.

11 SOUTHWESTERN & PACIFIC  
12 SPECIALTY FINANCE, INC. dba CHECK  
13 'N GO, and Ohio corporation; and Does 1  
14 through 20, inclusive,

15 Defendants.

Case No: C 13-2215 SBA

**DISMISSAL ORDER**

16 On April 15, 2013, Plaintiff Annmarie Garcia ("Plaintiff") commenced the instant  
17 action in the Superior Court of California, County of San Francisco against Defendant  
18 Southwestern & Pacific Specialty Finance, Inc. dba Check 'n Go ("Defendant"), alleging  
19 violations of California Finance Lenders Law, Financial Code § 22302, et seq., and  
20 California Business and Professions Code § 17200, et seq. Compl., Dkt. 1. The action was  
21 removed to this Court pursuant to the Class Action Fairness Act ("CAFA"), 28 U.S.C. §  
22 1332(d). Notice of Removal, Dkt. 1.

23 On June 25, 2013, Defendant filed a motion to compel arbitration and stay  
24 proceedings. Dkt. 17. On July 23, 2013, the parties filed a stipulation stating that the  
25 "[c]ase will be submitted to binding arbitration per loan agreement." Dkt. 24. Also on July  
26 23, 2013, Plaintiff filed a response to the motion to compel arbitration and stay  
27 proceedings. Dkt. 25. In her response, Plaintiff states that she "will submit her claims to  
28 binding arbitration per the Installment Loan Agreement. The issues raised by defendant's  
motion are therefore moot, and the case should be dismissed without prejudice." Id. The

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1 Court construes Plaintiff's response to the motion to compel arbitration and stay  
2 proceedings as a notice of voluntary dismissal under Rule 41(a)(1) of the Federal Rules of  
3 Civil Procedure.


4 Accordingly,

5 IT IS HEREBY ORDERED THAT:

- 6 1. This action is DISMISSED without prejudice.  
7 2. The Clerk shall close the file and terminate all pending matters.

8 IT IS SO ORDERED.

9 Dated: 7/25/13

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11 SAUNDRA BROWN ARMSTRONG  
12 United States District Judge  
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