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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ELLEN HARDIN,
Plaintiff,
v.
MENDOCINO COAST DISTRICT
HOSPITAL, et al.,
Defendants.

Case No. 17-cv-05554-JST

ORDER DISMISSING CASE

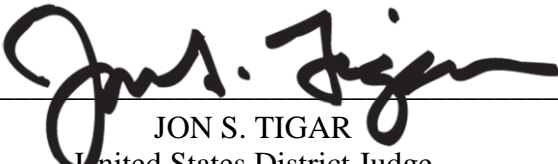
Re: ECF No. 338

Plaintiff Ellen Hardin has filed a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i). ECF No. 338. That rule provides that a “plaintiff may dismiss an action without a court order by filing . . . a notice of dismissal *before the opposing party serves either an answer or motion for summary judgment.*” Fed. R. Civ. P. 41(a)(1)(A)(i) (emphasis added). However, as Hardin’s notice itself observes, “Defendants have served a motion for summary judgment.” ECF No. 338 at 2; *see also* ECF Nos. 270-72 (Defendants’ motions for summary judgment). Defendants have also filed an answer. ECF No. 79. Dismissal under Rule 41(a)(1)(A)(i) would therefore be improper.

Nonetheless, pursuant to Hardin’s request – which was filed by counsel for Defendant Mendocino Coast District Hospital – and in light of the parties’ settlement agreement, the Court dismisses this case with prejudice under Rule 41(a)(2). The Clerk shall close the file.

IT IS SO ORDERED.

Dated: March 5, 2020



JON S. TIGAR
United States District Judge