

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

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4        H SHEFF B SHEFF-MEISELMAN K  
5        SHEFF DAVID SHEFF FAMILY TRUST  
6        U/A DTD 09/06/2016,  
7        derivatively on behalf of  
8        GOPRO, INC.,

9                                    Plaintiff,

10                                   v.

11        NICHOLAS D. WOODMAN, BRIAN  
12        MCGEE, ANTHONY BATES, KENNETH  
13        GOLDMAN, PETER GOTCHER,  
14        ALEXANDER LURIE, MICHAEL MARKS  
15        and EDWARD GILHULY,

16                                   Defendants,

17                                   and

18        GOPRO, INC.,

19                                   Nominal Defendant.

Case No. 17-cv-06504-CW

ORDER OF DISMISSAL WITHOUT  
PREJUDICE

(Dkt. No. 4, 27, 33)

20                    On February 22, 2018, Plaintiff filed a notice of voluntary  
21                    dismissal without prejudice pursuant to Federal Rule of Civil  
22                    Procedure 41(a)(1)(A)(i). This is a shareholder derivative  
23                    action. Pursuant to Federal Rules of Civil Procedure 23.1(c) and  
24                    41(a)(1)(A), it may not be voluntarily dismissed without the  
25                    Court's approval.

26                    The Court construes Plaintiff's notice of voluntary  
27                    dismissal as a motion for dismissal without prejudice. So  
28                    construed, the motion (Docket No. 33) is GRANTED in light of the  
29                    early stage of this litigation and the issues raised in  
30                    Defendants' pending motion to dismiss on forum non conveniens and  
31                    ripeness grounds. This action is hereby DISMISSED WITHOUT

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PREJUDICE.

The Court DENIES AS MOOT Plaintiff's motion to seal (Docket No. 4), see Civil L.R. 79-5(f)(2), and Defendants' motion to dismiss (Docket No. 27).

IT IS SO ORDERED.

Dated: February 23, 2018



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CLAUDIA WILKEN  
United States District Judge