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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

SUZANNA LEE AND TRINH LEE,  
  
                                Plaintiffs,  
  
                                vs.  
  
WELLS FARGO BANK, N.A.; and DOES 1  
THROUGH 100 INCLUSIVE,  
  
                                Defendant.

Case No. C-12-03108-RMW

**ORDER GRANTING MOTION TO  
DISMISS**

[Re Docket No. 24]

Plaintiffs filed a motion to dismiss plaintiffs’ complaint without prejudice pursuant to Federal Rule of Civil Procedure 41. Dkt. No. 24. Under Rule 41, a plaintiff may voluntarily dismiss a case any time before the opposing party has served an answer or a motion for summary judgment by filing a notice of dismissal. Fed. R. Civ. P. 41(a). As defendants have not answered or moved for summary judgment, the court considers this motion a notice of dismissal and dismisses the case without prejudice.

Dated: January 8, 2013

  
Ronald M. Whyte  
United States District Court Judge