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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

THE DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING,

Plaintiff,

v.

GYRUS ACMI LP, et al.,

Defendants.

Case No. [13-cv-01454-BLF](#)

**ORDER ON STIPULATED DISMISSAL
OF ACTION WITH PREJUDICE**

Re: Dkt. Nos. 35, 37

I. Introduction

Before the Court is a Stipulation, entered into and filed with the Court on May 1, 2014, between Plaintiff Department of Fair Employment and Housing (“DFEH”) and Defendant Gyrus Acmi LP (“Gyrus”), dismissing the above-captioned action with prejudice. On May 6, 2014, Pamela Williams, Real Party in Interest, filed an Objection to this stipulated dismissal. The Court, having considered Ms. Williams’ objection and the relevant rules of civil procedure and case law, finds that the stipulation between DFEH and Gyrus fully complies with the requirements of Federal Rule of Civil Procedure 41(a)(1)(A)(ii), as it is signed by all parties who have appeared in this instant matter. Ms. Williams is unable to object to this validly entered-into stipulation. As such, the Court DISMISSES the above-captioned case with prejudice.

II. Ms. Williams’ Opposition to the Stipulated Dismissal

Ms. Williams is the Real Party in Interest in this Action. Additionally, Ms. Williams is the Plaintiff in a different, related action against Gyrus, Case No. 14-cv-00805-BLF.

Ms. Williams makes two arguments in her Objection. First, she argues that the stipulation is not governed by Rule 41(a)(1) because “I did not sign the stipulation and it was filed without my consent.” (Opp. to Dismissal of Entire Action With Prejudice (“Opp.”) at 1). Second, she

1 argues that, because the Court has related the instant case the case in which Ms. Williams is
2 Plaintiff, that “the dismissal of the DFEH v. Gyrus case may prejudice my due process rights.” *Id.*
3 The Court finds both of these arguments unpersuasive.

4 *1. The Dismissal’s Compliance with Rule 41(a)(1)*

5 Voluntary dismissals are governed by Federal Rule of Civil Procedure 41(a). A Plaintiff
6 can voluntarily dismiss an action “without a court order by filing . . . a stipulation of dismissal
7 signed by all parties who have appeared.” Fed. R. Civ. Proc. 41(a)(1)(A)(ii). The filing of such a
8 dismissal, if in conformity with the requirements of the Rule, makes the dismissal effective
9 immediately. “Any action by the district court after the filing of such a stipulation can have no
10 force or effect because the matter has already been dismissed by the parties themselves without
11 any court action.” *SmallBizPros, Inc. v. MacDonald*, 618 F.3d 458, 463 (5th Cir. 2010) (citing
12 *Meinecke v. H & R Block of Houston*, 66 F.3d 77, 82 (5th Cir. 1995)). Thus, the Court must
13 merely determine whether the parties in this case have fully complied with the requirements of
14 Rule 41(a). If they have, the Court need take no other action – the dismissal shall have been
15 deemed effective upon its filing on May 1, 2014.

16 Ms. Williams argues that the Stipulation cannot be considered effective since she has not
17 signed it. However, she cites no case law stating that her position as the Real Party in Interest
18 requires her consent for a voluntary dismissal under Rule 41(a). Both the text of the statute and the
19 case law indicate that Rule 41(a)’s intent is to demand signatures from every Plaintiff and
20 Defendant in a given action, preventing a Plaintiff from voluntarily dismissing claims against
21 certain Defendants while maintaining the action against others. *See, e.g., Best Industries (PVT),*
22 *Ltd. v. Pegasus Maritime, Inc.*, 2013 WL 2468030, at *2 (S.D.N.Y. June 7, 2013) (finding, after
23 review of case law, that the term “all parties” in Rule 41 means every Plaintiff and every
24 Defendant in the given action and holding that a stipulation between a Plaintiff and Third-Party
25 Defendants did not comply with Rule 41 because the Defendant itself did not sign the stipulation).

26 In this matter, there is a single Plaintiff, DFEH, and a single named Defendant, Gyrus.
27 Both parties have agreed to the stipulated dismissal. A ruling precluding Plaintiff and Defendant
28 from having the opportunity to voluntarily dismiss their case upon the objection of any interested

1 party would run afoul of the purpose of Rule 41(a): permitting plaintiffs, through agreement with
2 any and all defendants, the ability to control whether or not their case continues in federal court.
3 Demanding that DFEH continue litigation, simply because Ms. Williams is an interested party and
4 wants them to, defeats the dual goals of cost management for the parties and judicial efficacy for
5 the Court.

6 *2. The Relation of Cases and Ms. Williams' Due Process Rights*

7 Ms. Williams also has a pending case in this Court against Defendant Gyrus, Case No. 14-
8 cv-00805-BLF. These cases were related, by Order of the Court, on April 29, 2014. (ECF No. 34).
9 Ms. Williams argues that, since the cases have been related, her due process rights may be violated
10 were the DFEH's complaint to be dismissed without her consent. (Opp. at 1).

11 In its prior April 29, 2014 Order, this Court elected not to consolidate both Gyrus cases,
12 and instead merely relate them, in part due to Ms. Williams' expressed concern that "her interests
13 will be overtaken by the interests of the DFEH" were the cases to be consolidated. (Order at 2,
14 ECF No. 34). Now, Plaintiff argues that dismissal of the DFEH claim would be prejudicial
15 *because* the cases have been related. Courts have held, however, that even when cases are
16 consolidated, they retain their individual identity and character. Most importantly, each Plaintiff
17 remains free to litigate their case, or not, in the manner he or she most sees fit. "[C]onsolidation
18 does not destroy the independent status of the cases consolidated and does not deprive the litigants
19 of the right to consideration of their individual claims." *DeGraffenreid v. General Motors*
20 *Assembly Division*, 558 F.2d 480, 486 (8th Cir. 1977). The Court is persuaded that these rationales
21 ring just as true when cases are related, rather than consolidated. Relation does not prevent the
22 individual parties from settling their individual claims. Ms. Williams has provided no rationale,
23 apart from her cursory statement in her Opposition, for why her due process rights could be
24 violated by the dismissal of this action.

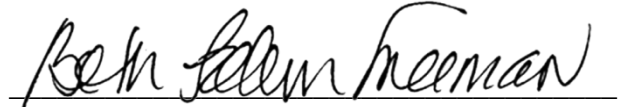
25 **III. Conclusion**

26 The Court is unpersuaded by Ms. Williams' grounds for objecting to the Stipulated
27 Dismissal. Ms. Williams' own action against Gyrus remains active before this Court. She does not
28 have the ability to preclude DFEH from dismissing its own action against Gyrus, having reached a

1 mutual resolution of its claims against Gyrus. The Court finds that the Stipulated Dismissal
2 complies with the requirements of Rule 41(a)(1)(A)(ii), and as such, is deemed effective as of May
3 1, 2014, the date on which it was filed with the Court. This matter is thereby DISMISSED WITH
4 PREJUDICE.

5 **IT IS SO ORDERED.**

6 Dated: May 12, 2014

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8 BETH LABSON FREEMAN
9 United States District Judge
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