

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

IT NETWORK SOLUTIONS, LLC,
Plaintiff,
v.
KASEYA US SALES, LLC,
Defendant.

Case No. [15-cv-00784-BLF](#)

**ORDER TO COMPLY WITH FRCP
41(a)**

[Re: ECF 30]

On February 20, 2015, this case was transferred to the United States District Court for the Northern District of California. On June 5, 2015, the parties advised the Court that they had agreed to a settlement in principle. *See* ECF No. 24. On July 9, 2015, Counsel for Defendant advised the Court that Plaintiff's Counsel is not admitted to practice before this Court and Plaintiff has not secured any other counsel admitted to practice before this Court, has failed to cooperate in a Rule 26(f) conference, has failed to meaningfully engage in the litigation or settlement process, and has failed to participate in the preparation of a joint case management statement. *See* ECF No. 28. On July 15, 2015, the Court ordered Plaintiff to show cause by August 12, 2015 why this case should not be dismissed for a failure to follow the local rules. *Id.* On August 11, 2015, Plaintiff filed a voluntary stipulation of dismissal without prejudice signed only by Darren Kayal, an attorney for Plaintiff who is not admitted to practice before this Court. *See* ECF No. 30.

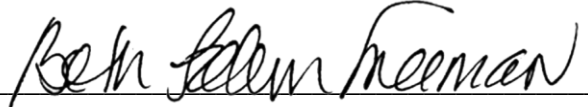
Federal Rule of Civil Procedure 41(a)(1)(A) allows Plaintiff to voluntarily dismiss an action without a court order by filing a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment or by filing a stipulation of dismissal signed by all parties who have appeared. Since Defendant filed an answer on April 15, 2015, *see* ECF No. 23, Plaintiff must file a stipulation of dismissal signed by all parties who have appeared. Furthermore,

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Mr. Kayal is not admitted to practice before this Court and the rules do not allow Mr. Kayal to sign pleadings submitted to this Court on Plaintiff's behalf. Accordingly, the Court ORDERS Plaintiff to comply with Fed. R. Civ. P. 41(a) by submitting a stipulation of dismissal signed by Plaintiff or other Counsel admitted to appear before this Court. The stipulation of dismissal must also be signed by all parties who have appeared or accompanied with an attestation that all parties who have appeared concurred with the filing of the voluntary dismissal.

IT IS SO ORDERED.

Dated: August 17, 2015


BETH LABSON FREEMAN
United States District Judge