

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**

ANDREA CRAWFORD,
Plaintiff,
v.
GRAHAM HOLDINGS COMPANY LONG
TERM DISABILITY PLAN, et al.,
Defendants.

Case No. [15-cv-01477-BLF](#)

ORDER RE NOTICE OF DISMISSAL
[Re: ECF 40]

Plaintiff has filed what purports to be a Notice of Dismissal pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure. ECF 40. The Notice does not include a stipulation and is signed solely by Plaintiff’s counsel. *Id.*

A plaintiff may dismiss an action by filing a notice of dismissal “before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(i). Defendants in this case filed an answer on May 29, 2015. ECF 19. Accordingly, Plaintiff’s notice is improper.

Alternatively, the plaintiff may dismiss a case by filing “a stipulation of dismissal signed by all parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(ii). If the parties wish to dismiss the case, the Court ORDERS Plaintiff to file a stipulation of dismissal signed by all parties. Furthermore, the Court notes that the caption in Plaintiff’s Notice of Dismissal names the incorrect defendants. To be valid, any future stipulation of dismissal must name the correct defendants.

IT IS SO ORDERED.

Dated: November 13, 2015



BETH LABSON FREEMAN
United States District Judge