

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CHONG’S PRODUCE, INC.,
Plaintiff,
v.
SRAJAA, LLC dba as SARAVANA
STORE, RAJAA SONAI, an individual, and
DOES 1-10,
Defendants.

Case No. 15-CV-01903-LHK
**ORDER TO FILE STIPULATION OF
DISMISSAL**
Re: Dkt. No. 18

On November 6, 2015, Plaintiff Chong’s Produce, Inc. filed a notice of voluntary dismissal of the entire action. ECF No. 18. Plaintiff may voluntarily dismiss an action without a court order “before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a). Defendant Srajaa, LLC has not filed an answer or a motion for summary judgment, and thus Plaintiff may voluntarily dismiss the action against Srajaa, LLC.

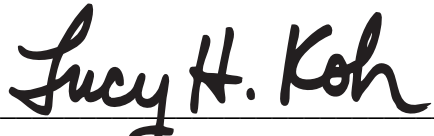
However, Defendant Rajaa Sonai (“Sonai”) filed an answer on May 28, 2015. ECF No. 8. After an opposing party has filed an answer, Plaintiff may only voluntarily dismiss without a without a Court order by filing “a stipulation of dismissal signed by all parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(A); see also Concha v. London, 62 F.3d 1493, 1506 (9th Cir.

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1995). Thus, Plaintiff may only voluntarily dismiss Sonai by filing a joint stipulation of dismissal also signed by Sonai. Accordingly, if Plaintiff wishes to dismiss the entire action, the Court ORDERS Plaintiff and Sonai to file a joint stipulation of dismissal by November 16, 2015.

IT IS SO ORDERED.

Dated: November 10, 2015



LUCY H. KOH
United States District Judge