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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 DAVID FIROOZ,
12 Plaintiff,

13 v.

14 TAKATA CORPORATION, TK
15 HOLDINGS INC., TOYOTA MOTOR
16 CORPORATION, TOYOTA MOTOR
17 NORTH AMERICA, INC., TOYOTA
18 MOTOR SALES, U.S.A., INC.,
19 TOYOTA MOTOR ENGINEERING &
20 MANUFACTURING NORTH
21 AMERICA, INC., PREMIER
22 AUTOMOTIVE OF CA, LLC, ANDRES
23 LIERA VALENZUELA, and DOES 1-
24 100, Inclusive,

25 Defendants.

Case No.: 17cv867 WQH (NLS)

**ORDER REGARDING ORDER TO
SHOW CASE**

[ECF No. 46]

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28 On October 19, 2018, Defendant Toyota Motor Sales, U.S.A., Inc. (“Toyota”) filed a motion for determination of discovery dispute regarding its special interrogatories and requests to produce documents. ECF No. 45. Hearing no response from Plaintiff, the Court issued an Order to Show Cause (“OSC”) on October 29, 2018, ordering Plaintiff to file explanatory briefing as to why he has failed to respond to discovery and participate in

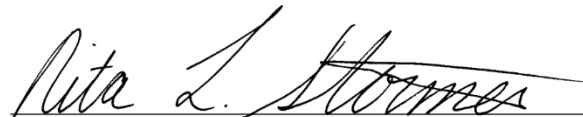
1 the joint motion practice. ECF No. 46.

2 Plaintiff timely filed a declaration in response to the OSC. ECF No. 47. His filing
3 includes a Notice of Voluntary Dismissal as to the Toyota Defendants under Federal Rule
4 of Civil Procedure 41(a). ECF No. 47-1. However, this notice is insufficient in this case
5 to dismiss the parties because the Toyota Defendants have answered.¹ Fed. R. Civ. P
6 41(a) (“the plaintiff may dismiss an action without a court order by filing [] a notice of
7 dismissal before the opposing party serves either an answer or a motion for summary
8 judgment”); *see* ECF Nos. 6-9.

9 Accordingly, the Court **ORDERS** counsel for Plaintiff and counsel for the Toyota
10 Defendants to meet and confer and file a joint motion to dismiss by **November 14, 2018**.
11 If the parties fail to agree to file a joint motion to dismiss, they must file a status report,
12 by the same date.

13 **IT IS SO ORDERED.**

14 Dated: November 7, 2018



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16 Hon. Nita L. Stormes
17 United States Magistrate Judge
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27 ¹ Even if the filing would otherwise be sufficient, it would also have to be filed on the
28 docket as a separate document—not only as an attachment to a declaration in response to
the OSC.