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United States District Court  
Southern District of California

Dorothy White,  
Plaintiff,  
v.  
A & B Properties,  
Defendant.

Case No. 17cv1445 GPC (BLM)

**ORDER GRANTING PLAINTIFF’S  
EX PARTE MOITON TO DISMISS  
THE CASE**

Plaintiff filed an ex parte motion to dismiss the case requesting the federal ADA claim be dismissed with prejudice and that the court decline supplemental jurisdiction over the state law claims as her claims are now moot due to Defendant’s remediation efforts. (Dkt. No. 10.) Defendant filed a response agreeing with Plaintiff’s request but noting that it requests that dismissal be made pursuant to Federal Rule of Civil Procedure (“Rule”) 41 and that no party be deemed a prevailing party in this action subject to Rule 41(d). (Dkt. No. 11.) In reply, Plaintiff does not object to a court ruling that neither party is deemed a

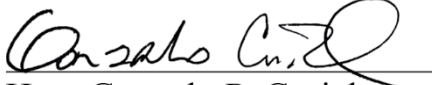
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prevailing party under the ADA but opposes such a ruling over the state law claims as those claims are alive and well. (Dkt. No. 12.) On June 14, 2018, the parties filed supplemental briefing on this disputed issue pursuant to the Court's order directing supplemental briefing. (Dkt. Nos. 13, 14, 15.)

Upon consideration of the parties' briefing, the Court GRANTS Plaintiffs' ex parte motion to dismiss and IT IS HEREBY ORDERED that the federal ADA claim is dismissed with prejudice, and the Court declines supplemental jurisdiction over the remaining state law claims and dismisses the state law claims without prejudice.

IT IS SO ORDERED.

Dated: June 27, 2018

  
Hon. Gonzalo P. Curiel  
United States District Judge