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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

THERESA BROOKE,

Plaintiff,

v.

WAVE CREST RESORTS III LLC,

Defendant.

Case No. 20-cv-1218-MMA (AGS)

ORDER RE: DISMISSAL

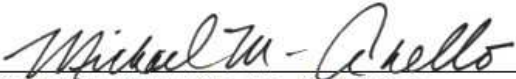
[Doc. No. 6]

The parties have filed a “Stipulation of Dismissal with Prejudice” agreeing to dismissal of this action. *See* Doc. No. 6. Pursuant to the stipulation and Federal Rule of Civil Procedure 41(a)(1)(A)(ii), this action has been **DISMISSED** with prejudice and with each party bearing its own costs and attorneys’ fees. *See Commercial Space Mgmt. Co. v. Boeing Co.*, 193 F.3d 1074, 1078 (9th Cir. 1999) (“[O]nce a notice of voluntary dismissal is filed, the district court in which the action is pending loses jurisdiction and cannot exercise discretion with respect to the terms and conditions of the dismissal.”); *see also Duke Energy Trading & Mktg., L.L.C. v. Davis*, 267 F.3d 1042, 1049 (9th Cir. 2001) (quoting *Pedrina v. Chun*, 987 F.2d 608, 610 (9th Cir. 1993)) (“The [filing of a Rule 41(a)(1)(i) notice] itself closes the file.”); *Acosta v. Lopez*, No. 1:18-cv-00625-AWI-

1 SKO, 2019 WL 5536321, at *1 (E.D. Cal. Oct. 25, 2019) (“Once the stipulation between
2 the parties who have appeared is properly filed or made in open court, no order of the
3 court is necessary to effectuate dismissal. Case law concerning stipulated dismissals
4 under Rule 41(a)(1)(A)(ii) is clear that the entry of such a stipulation of dismissal is
5 effective automatically and does not require judicial approval.”); *Milton v. Lawton*, No.
6 1:04-cv-05556-AWI-WMW, 2009 WL 530909, at *1 (E.D. Cal. Mar. 3, 2009) (same).
7 The Court **DIRECTS** the Clerk of Court to terminate this action in its entirety.

8 **IT IS SO ORDERED.**

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10 Dated: September 9, 2020

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13 HON. MICHAEL M. ANELLO
14 United States District Judge
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