

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

THOA T. NGUYEN, ET AL.

CIVIL ACTION

VERSUS

LOUISIANA STATE BOARD OF
COSMETOLOGY, ET AL.

NO.: 14-00080-BAJ-RLB

ORDER

Before the Court is Plaintiffs' **Notice of Partial Voluntary Dismissal Without Prejudice Pursuant to Federal Rule of Civil Procedure 41(a)(1)–(2) (Doc. 70)**. Plaintiffs move for the voluntary dismissal without prejudice of all claims in the above-captioned matter brought by Plaintiffs Le T. Nguyen d/b/a Happy Nails and Thu Thi Mai d/b/a Diamond Nails. Pursuant to Federal Rule of Civil Procedure (“Rule”) 41(a)(2), the Court may dismiss an action at a plaintiff's request by Court order, on terms that the Court considers proper.¹

Defendant Celia R. Cangelosi has filed an **Opposition to Plaintiffs' Notice of Partial Voluntary Dismissal Without Prejudice (Doc. 71)**, arguing that the claims of Plaintiffs Nguyen and Mai should be dismissed *with* prejudice. Cangelosi contends that Nguyen and Mai have not been timely in responding to discovery requests; she argues that these two Plaintiffs have decided to dismiss their claims rather than respond to discovery. (Doc. 71 at p. 2). Cangelosi, however, has provided

¹ Plaintiffs also cite Rule 41(a)(1) as providing basis for voluntary dismissal, but the Court finds this provision inapplicable here for the following reasons: (1) Plaintiffs' notice of voluntary dismissal was filed well after all Defendants served answers, and (2) although Plaintiffs' notice provides the representation that Defendants have no opposition to the dismissal of the two Plaintiffs, (*see* Doc. 70 at p. 2), the notice was not signed by all parties. *See* Fed. R. Civ. P. 41(a)(1)(A)(i)–(ii).

no legal authority that would guide or mandate this Court to dismiss the matter with prejudice, as opposed to without prejudice, based on the reasons provided by Cangelosi. Further, the record in this matter does not contain any evidence of non-compliance by Nguyen or Mai in adhering to discovery deadlines.

Accordingly,

IT IS ORDERED that Plaintiffs' **Notice of Partial Voluntary Dismissal Without Prejudice Pursuant to Federal Rule of Civil Procedure 41(a)(1)-(2) (Doc. 70)** is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiffs Le T. Nguyen and Thu Thi Mai, and their entire actions, are **DISMISSED WITHOUT PREJUDICE**.

Baton Rouge, Louisiana, this 15th day of June, 2015.



**BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**