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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 LINNE ROSE,

11 Plaintiff,

12 v.

13 BEHR PROCESS CORP., et al.,

14 Defendants.

CASE NO. C17-1754 MJP

MINUTE ORDER

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16 The following minute order is made by the direction of the court, the Honorable Marsha
17 J. Pechman, United States District Judge:

18 On February 25, 2019, Plaintiff filed a Notice of Voluntary Dismissal Without Prejudice,
19 purportedly pursuant to FRCP 41(a)(1)(A)(i). (Dkt. No. 52.) FRCP 41(a)(1)(A)(i) provides that
20 “the plaintiff may dismiss an action without a court order by filing a notice of dismissal before
21 the opposing party serves either an answer or a motion for summary judgment.”

22 An answer has been filed in this matter (*see* Dkt. No. 40, Answer and Affirmative
23 Defenses of Defendants Behr Process Corporation, et al., to Plaintiff’s Class Action Complaint).

1 As such, FRCP 41(a)(1)(A)(i) is unavailable to Plaintiff as a mechanism for dismissal. The
2 Court suggests that FRCP 41(a)(1)(A)(ii) (“a stipulation of dismissal signed by all parties who
3 have appeared”) might be a more appropriate vehicle.

4 The pleading denoted as a “Notice of Voluntary Dismissal Without Prejudice” (Dkt. No.
5 52) is stricken.

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7 The clerk is ordered to provide copies of this order to all counsel.

8 Filed February 25, 2019.

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10 William M. McCool
Clerk of Court

11 s/Paula McNabb
Deputy Clerk
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