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

10 KYM BARRON,

11 Plaintiff,

12 v.

13 MARRIOTT INTERNATIONAL, INC., and
14 DOES 1 through 50, inclusive,

15 Defendants.

Case No. C17-1801 RSM

ORDER RE: STIPULATED DISMISSAL
AND SUBSTITUTION OF PROPER
DEFENDANT

16 This matter comes before the Court *sua sponte* to address the parties' December 20,
17 2017, Stipulation of Dismissal of Marriott International, Inc. and Substitution of Proper
18 Defendant. Dkt. #6. The parties stipulate, under Rule 41(a)(1)(A)(ii), to the dismissal of
19 Defendant Marriott International, Inc. Dkt. #6 at 1. Under this rule, no action by the Court is
20 required for this dismissal to take effect. The Court finds that this Defendant is dismissed
21 without prejudice. The parties also stipulate to the substitution and addition of Courtyard
22 Management Corporation as defendant, citing Rule 21. Under this rule, the Court may, "[o]n
23 Motion or on its own... add or drop a party." Fed. R. Civ. P. 21. Because the parties have not
24 technically moved for this relief, but have established good cause, the Court will grant this
25 relief *sua sponte*. Finally, the parties stipulate that "Courtyard Management Corporation
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ORDER RE: STIPULATED DISMISSAL AND SUBSTITUTION OF PROPER DEFENDANT

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1 waives any requirement that it be served with a Summons and Complaint... [and] that it shall
2 be deemed as having been properly served with the Complaint in this action.” Dkt. #6 at 2.
3 Courtyard Management Corporation has not made an appearance in this action, nor have
4 existing defense counsel indicated dual representation of Marriott International, Inc. and
5 Courtyard Management Corporation. Because the parties cannot speak on behalf of Courtyard
6 Management Corporation, the Court finds that the service requirement has not been waived.
7 Nothing in this Order modifies the service and pleading requirements and deadlines as set forth
8 in the Federal Rules of Civil Procedure and this Court’s Local Rules.
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10 Having reviewed the relevant briefing, and the remainder of the record, the Court
11 hereby finds and ORDERS:
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- 13 1) All claims against Defendant Marriott International, Inc. are DISMISSED without
14 prejudice.
- 15 2) Courtyard Management Corporation is added as a Defendant in this action and
16 substituted in place of Defendant Marriott International, Inc.
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18 DATED this 20th day of December 2017.

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21 RICARDO S. MARTINEZ
22 CHIEF UNITED STATES DISTRICT JUDGE
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