

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Pace v. Omni Family Health

Pace · No. 1:24-cv-01277-JLT-CDB · Decided August 6, 2025

SUMMARY

The United States District Court for the Eastern District of California addressed a notice of voluntary dismissal by ten plaintiffs in consolidated litigation arising from a cyberattack and data breach involving Omni Family Health. The court concluded that dismissal without prejudice was effective under Federal Rule of Civil Procedure 41(a)(1)(A)(i), because no class had been certified and the defendant had not filed an answer or motion for summary judgment.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	August 6, 2025
DOCKET	1:24-cv-01277-JLT-CDB
DISPOSITION	dismissed
PROCEDURAL POSTURE	The court considered a notice of voluntary dismissal filed by ten plaintiffs in a consolidated putative class action arising from a data breach.
PRECEDENTIAL VALUE	unknown

TOPICS

class actions civil procedure

PRACTICE AREAS

civil procedure class action litigation data breach litigation

QUESTIONS PRESENTED

- Whether Rule 23(e) required court approval or notice to putative class members before ten plaintiffs could voluntarily dismiss their claims when no class had been certified and no class had been proposed for certification for settlement purposes.

2. Whether the plaintiffs were entitled to dismiss their claims without prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i) because the defendant had filed neither an answer nor a motion for summary judgment.

HOLDINGS

1. Rule 23(e) does not require court approval or notice to putative class members for dismissal of claims where no class has been certified and no class has been proposed for certification for purposes of settlement, provided the dismissal does not affect the possible claims of putative class members.
2. The ten plaintiffs' individual and class claims were dismissed without prejudice by operation of law under Rule 41(a)(1)(A)(i) because the notice complied with the rule and the defendant had filed neither an answer nor a motion for summary judgment.

KEY QUOTATIONS

“Thus, the individual and class claims of Plaintiffs Jaimee Morland, Nina Wall, Sheila Sweeten, Samantha Abraham, Marcos Montoya, Salvador Cortez Magana, Gober Villatoro Guerra, Alfred Aguirre, Lateisa White, and Brandon Cubit are dismissed without prejudice by operation of law without further order of the Court.” (at 2)

FACTUAL BACKGROUND

The action arose from a cyberattack and data breach allegedly involving Omni Family Health. Numerous related actions were filed in federal and state court and consolidated into this lead case. No class had been certified, and no class had been proposed for certification for purposes of settlement. The ten plaintiffs sought dismissal of their claims without prejudice without affecting the claims of the putative class or other plaintiffs.

PROCEDURAL HISTORY

Ellen Pace filed a putative class action against Omni Family Health. Other related individual and class actions were consolidated into the lead case. After the parties filed a joint notice of settlement, ten plaintiffs filed a notice seeking dismissal of their individual and class claims without prejudice. The court determined that no court approval was required and directed the clerk to terminate those plaintiffs.

DISPOSITION

dismissed

CASES CITED

- Titus v. BlueChip Financial, 786 Fed. Appx. 694, 695 (9th Cir. 2019)
- Emp'rs-Teamsters Local Nos. 175 & 505 Pension Tr. Fund v. Anchor Capital Advisors, 498 F.3d 920, 924 (9th Cir. 2007)
- Comm. Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077-78 (9th Cir.)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 ELLEN PACE, et al., Case No. 1:24-cv-01277-JLT-CDB 12 Plaintiffs,
ORDER ON CERTAIN PLAINTIFFS' 13 v. DISMISSAL OF CLAIMS PURSUANT TO RULE
41(a)(1)(A)(i) OF THE 14 OMNI FAMILY HEALTH, FEDERAL RULES OF CIVIL
PROCEDURE 15 Defendant. (Doc. 47) 16 17 Clerk of the Court to Update Docket 18 19 On
October 20, 2024, Plaintiff Ellen Pace initiated this action with the filing of a putative 20 class
action complaint against Defendant Omni Family Health, asserting numerous causes of action 21
arising out of a cyberattack and data breach.

(Doc. 1). After Plaintiff Pace filed her action, 22 numerous other Plaintiffs filed separate
individual and class actions in both federal and state court, 23 asserting causes of action arising
out of the same data breach. (Doc. 8).

On January 9, 2025, the 24 separate Plaintiffs of the then-commenced actions and Defendant
stipulated to consolidate the 25 cases. (Doc. 9). On January 15, 2025, the Court granted the
stipulated request and consolidated 26 all cases against Defendant arising from the data breach,
with the instant action as the lead case, 27 and with all further filings in the consolidated action to
be made in the lead case.

(Doc. 12). 28 Numerous other related actions against Defendant arising from the data breach that
were 1 commenced following entry of the Court's consolidation order also have been consolidated
with 2 this lead case.

On April 23, 2025, the parties filed a joint notice of settlement. (Doc. 43). 3 Pending before the
Court is the notice of voluntary dismissal, filed on August 4, 2025, by 4 Plaintiffs Jaimee Morland,
Nina Wall, Sheila Sweeten, Samantha Abraham, Marcos Montoya, 5 Salvador Cortez Magana,
Gober Villatoro Guerra, Alfred Aguirre, Lateisa White, and Brandon 6 Cubit.

(Doc. 47). The notice of dismissal is signed by counsel for the named parties and otherwise 7
comports with the requirements of Fed. R. Civ. P. 41(a)(1)(A)(i) and Plaintiffs are entitled to 8
dismiss their individual claims (at least) without a court order.

In a class action, however, court 9 approval of dismissal may be required under Rule 41(a)(2) if
the class has been certified. 10 Specifically, Rule 23(e) provides that any claims arising out of
either a (1) "certified class" or (2) 11 "class proposed to be certified for purposes of settlement...
may be settled, voluntarily dismissed, 12 or compromised only with the court's approval." Fed.

R. Civ. P. 23(e) (emphasis added). 13 In this case, the named Plaintiffs seek to dismiss their
individual claims without prejudice 14 and without affecting the claims of the putative class or any
other Plaintiffs. (Doc. 47). No class 15 has been certified in this action nor is there a class
proposed to be certified for purposes of 16 settlement. (See Docs. 1, 43, 46).

Because no class has been certified in this case, and because any 17 dismissal would not affect putative class members' possible claims, Rule 23(e) does not mandate 18 either Court approval of the parties' settlement or notice to putative class members. See *Titus v. 19 BlueChip Financial*, 786 Fed. Appx. 694, 695 (9th Cir. 2019) ("Because no class has been certified, 20 Titus is the only plaintiff before the court; once she has dismissed her claims with prejudice, no 21 other plaintiff can step into her shoes to continue this legal action") (unpublished) (citing *Emp'rs- 22 Teamsters Local Nos. 175 & 505 Pension Tr.*

Fund v. Anchor Capital Advisors, 498 F.3d 920, 924 23 (9th Cir. 2007)). 24 In light of Plaintiffs' filing, the Court finds that Rule 23(e) does not require the Court's 25 approval of the dismissal. Additionally, Defendant has filed neither an answer nor motion for 26 summary judgment. See Fed. R. Civ. P. 41(a)(1)(A)(i).

Thus, the individual and class claims of 27 Plaintiffs Jaimee Morland, Nina Wall, Sheila Sweeten, Samantha Abraham, Marcos Montoya, 28 Salvador Cortez Magana, Gober Villatoro Guerra, Alfred Aguirre, Lateisa White, and Brandon 1 | Cubit are dismissed without prejudice by operation of law without further order of the Court. 2 | *Comm. Space Mgmt. Co., Inc. v. Boeing Co., Inc.*, 193 F.3d 1074, 1077-78 (9th Cir.

1999). 3 Accordingly, the Clerk of the Court is DIRECTED to adjust the docket to reflect termination 4 | of Plaintiffs Jaimee Morland, Nina Wall, Sheila Sweeten, Samantha Abraham, Marcos Montoya, 5 | Salvador Cortez Magana, Gober Villatoro Guerra, Alfred Aguirre, Lateisa White, and Brandon 6 | Cubit pursuant to Fed. R. Civ. P. 41(a)(1)(A)Q). 7 | IT IS ORDERED.

Dated: _ August 5, 2025 | hr 9 UNITED STATES MAGISTRATE JUDGE 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28