

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.)

