

**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

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