

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
CALIFORNIA

**Beverly Allen, individually, and on behalf of all others similarly  
situated v. Protective Life Insurance Company, et al.**

Allen · No. 1:20-cv-00530-JLT-CDB · Decided December 11, 2025

SUMMARY

The court directed the clerk to close a putative class action after the parties filed a stipulated dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii). The individual claims were dismissed with prejudice, while the putative class claims were dismissed without prejudice; the court concluded that Rule 23(e) did not require approval or notice because no class had been certified.

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            | December 11, 2025                                                                                                                                                                                                                                                                     |
| DOCKET             | 1:20-cv-00530-JLT-CDB                                                                                                                                                                                                                                                                 |
| DISPOSITION        | dismissed                                                                                                                                                                                                                                                                             |
| PROCEDURAL POSTURE | Plaintiff filed a putative class action. Before class certification, the parties jointly filed a stipulated dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), dismissing Plaintiff's individual claims with prejudice and the putative class claims without prejudice. |
| PRECEDENTIAL VALUE | Unknown                                                                                                                                                                                                                                                                               |

TOPICS

class actions civil procedure

PRACTICE AREAS

civil procedure class actions insurance

QUESTIONS PRESENTED

- Whether court approval or notice to putative class members was required before dismissal of the individual and putative class claims under Federal Rules of Civil Procedure 23(e) and 41.

2. Whether the clerk should close the case pursuant to the parties' stipulated dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

## HOLDINGS

1. Rule 23(e) did not require court approval of the stipulated dismissal or notice to putative class members because no class had been certified and no class had been proposed for certification for settlement purposes.
2. The stipulated dismissal satisfied Rule 41(a)(1)(A)(ii), operated without further court order, and required the clerk to close the case, with individual claims dismissed with prejudice and putative class claims dismissed without prejudice.

## KEY QUOTATIONS

*“This action shall be terminated by operation of law without further order of the Court.”* (at 2)

*“Because no class has been certified, and because any dismissal would not affect putative class members’ possible claims, Rule 23(e) does not mandate either Court approval of the parties’ stipulation to dismiss the action or notice to putative class members.”* (at 1)

## FACTUAL BACKGROUND

Beverly Allen initiated a putative class action against Protective Life Insurance Company and Empire General Life Insurance Company. The parties stipulated to dismissal with prejudice of Allen's individual claims and without prejudice of the putative class claims. No class had been certified, and no class had been proposed for certification for settlement purposes.

## PROCEDURAL HISTORY

Beverly Allen filed a class action complaint against Protective Life Insurance Company and Empire General Life Insurance Company on April 13, 2020. On December 10, 2025, the parties filed a jointly executed stipulated dismissal. The court determined that no class had been certified and that no class had been proposed for certification for settlement purposes, directed the clerk to close the case, and ordered the docket adjusted to reflect the stipulated dismissal.

## DISPOSITION

dismissed

## CASES CITED

- Titus v. BlueChip Financial, 786 Fed. App'x. 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. 1999)

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