UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

Smith v. Elevado Drinks, LLC

Smith v. Elevado Drinks, LLC · No. 1:25-cv-00571-CDB · Decided August 22, 2025

SUMMARY

The United States District Court for the Eastern District of California addressed Plaintiffs' amended notice of voluntary dismissal in a putative class action. The court concluded that Rule 23(e) did not require approval or notice because no class had been certified, and directed the clerk to close the case, reflecting dismissal with prejudice as to the individual claims and without prejudice as to the putative class claims.

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 22, 2025
DOCKET	1:25-cv-00571-CDB
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiffs filed a putative class action and then filed an amended notice voluntarily dismissing their individual claims with prejudice and the putative class claims without prejudice. The court directed the clerk to assign a district judge for the purpose of closing the case and to close the case under Federal Rule of Civil Procedure 41(a)(1).
PRECEDENTIAL VALUE	Unknown; district court order identified as a per curiam trial-court opinion with unknown precedential status.
PARTIES	Michael Smith, Jason Ferguson v. Elevado Drinks, LLC, Chaco Flaco Drinks, LLC, Hop the Wave Brewing Company, Charles Moore

TOPICS

class actions · civil procedure

PRACTICE AREAS

civil procedure · class actions

QUESTIONS PRESENTED

1. Whether plaintiffs could voluntarily dismiss their individual claims without court approval under Federal Rule of Civil Procedure 41(a)(1)(A)(i).
2. Whether dismissal of the uncertified putative class claims required court approval or notice under Federal Rule of Civil Procedure 23(e).
3. Whether the case should be closed following the voluntary dismissal.

HOLDINGS

1. Plaintiffs were entitled to dismiss their individual claims without a court order because their amended notice complied with Federal Rule of Civil Procedure 41(a)(1)(A)(i).
2. Because no class had been certified and no class had been proposed for certification for settlement purposes, Federal Rule of Civil Procedure 23(e) did not require court approval or notice to putative class members for dismissal of the putative class claims.
3. The action was terminated by operation of law, and the clerk was directed to close the case and reflect dismissal with prejudice as to the individual claims and without prejudice as to the putative class claims.

KEY QUOTATIONS

> *"Because no class has been certified in this case, 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)

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

FACTUAL BACKGROUND

Michael Smith and Jason Ferguson brought claims individually and on behalf of a putative class against several beverage-related defendants. Plaintiffs sought to dismiss their individual claims with prejudice and the putative class claims without prejudice. The court found that no class had been certified and that no class had been proposed for certification for settlement purposes, so the dismissal would not affect certified class members or require notice to putative class members.

PROCEDURAL HISTORY

Plaintiffs initiated the action on May 14, 2025. They filed a notice of voluntary dismissal on August 20, 2025, and, after the court requested clarification, filed an amended notice specifying dismissal with prejudice as to their individual claims and without prejudice as to the putative class claims. No class had been certified and no class had been proposed for certification for settlement purposes.

DISPOSITION

dismissed

CASES CITED

- Titus v. BlueChip Financial, 786 F. 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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