

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

David McLemore v. Wells Fargo Bank, N.A., et al.

McLemore · No. 1:25-cv-00511-JLT-EPG · Decided December 8, 2025

SUMMARY

The United States District Court for the Eastern District of California approved the parties’ stipulation to dismiss Wells Fargo Bank, N.A. with prejudice under Federal Rule of Civil Procedure 41. Because all defendants had been dismissed, the court directed the Clerk of Court to close the case, with each party bearing its own fees and costs.

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 8, 2025
DOCKET	1:25-cv-00511-JLT-EPG
DISPOSITION	dismissed
PROCEDURAL POSTURE	The parties filed a stipulation seeking dismissal with prejudice under Federal Rule of Civil Procedure 41, and the court entered an order recognizing the dismissal and directing the Clerk of Court to close the case.
PRECEDENTIAL VALUE	District court order; precedential status not stated
PARTIES	David McLemore v. Wells Fargo Bank, N.A., et al.

TOPICS

- civil procedure
- commercial litigation

PRACTICE AREAS

- civil procedure
- commercial litigation

QUESTIONS PRESENTED

- Whether the action should be dismissed with prejudice pursuant to the parties' stipulation under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

2. Whether the Clerk of Court should close the case after all defendants had been dismissed.

HOLDINGS

1. The case against Wells Fargo Bank, N.A. was dismissed with prejudice pursuant to the parties' stipulation, with each party to bear its own costs and attorney fees.
2. Because all defendants had been dismissed, the Clerk of Court was directed to close the case.

FACTUAL BACKGROUND

The remaining parties jointly stipulated to dismissal of Wells Fargo Bank, N.A. with prejudice. The stipulation provided that each party would bear its own costs and attorney fees and represented that all defendants had been dismissed.

PROCEDURAL HISTORY

On December 5, 2025, the remaining parties stipulated that Wells Fargo Bank, N.A. could be dismissed with prejudice, with each party bearing its own fees and costs. The stipulation stated that all parties had been dismissed and that the action could be dismissed in its entirety. The court recognized the dismissal and directed the Clerk of Court to close the case.

DISPOSITION

dismissed

CASES CITED

- Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)

OPINION

McLemore

PER CURIAM.

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5 UNITED STATES DISTRICT COURT

6 EASTERN DISTRICT OF CALIFORNIA

7 8 DAVID MCLEMORE, Case No. 1:25-cv-00511-JLT-EPG 9 Plaintiffs, ORDER RE:
STIPULATION FOR

10 DISMISSAL WITH PREJUDICE

v. (ECF No. 46) 11 WELLS FARGO BANK, N.A., et al., 12 Defendants. 13 14 On December 5,
2025, the remaining parties filed a stipulation of dismissal, stating as 15 | follows: 16 Pursuant to
Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff and Defendant Wells Fargo Bank, N.A. hereby jointly
stipulate that Wells Fargo Bank, N.A. may be dismissed 17 with prejudice, with each of the parties
to bear their own fees and costs. All parties have now been dismissed and this matter may be

dismissed in its entirety. 18 (ECF No. 46, p. 1). ? In light of the parties' stipulation, see Fed. R. Civ. P. 41(a)(1)(A)(ii), the case against 20 Defendant Wells Fargo Bank, N.A. has been dismissed with prejudice, with each party to bear 21 their own costs and attorney fees. See *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 22 | 1997). 23 Further, as all Defendants have now been dismissed, the Clerk of Court is respectfully 24 | directed to close this case. 5 IT IS SO ORDERED. 26 Dated: _ December 8, 2025 Po they

07 UNITED STATES MAGISTRATE JUDGE

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