

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Cassity v. FCA USA, LLC

No. 24-cv-02187-BAS-SBC (S.D. Cal. June 2, 2025) · No. 24-cv-02187-BAS-SBC · Decided June 2, 2025

SUMMARY

The United States District Court for the Southern District of California granted the parties’ joint motion to dismiss under Federal Rule of Civil Procedure 41(a)(1)(A)(ii). The action against FCA US, LLC was dismissed with prejudice, with each party bearing its own costs and attorneys’ fees, and the Clerk was directed to close the case.

CASE DETAILS

COURT	United States District Court for the Southern District of California
JURISDICTION	United States District Court for the Southern District of California
DECIDED	June 2, 2025
DOCKET	24-cv-02187-BAS-SBC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The parties jointly moved under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) to voluntarily dismiss the action by stipulation.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Glenn Cassity, Tiffany Cassity v. FCA USA, LLC

TOPICS

- motions to dismiss
- civil procedure
- remedies

PRACTICE AREAS

- civil procedure
- voluntary dismissal

QUESTIONS PRESENTED

- Whether the parties' joint stipulation and motion satisfied the requirements for voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and the Southern District of California's local rules.
- Whether the action should be dismissed with prejudice and each party should bear its own costs and attorneys' fees.

HOLDINGS

1. A plaintiff may voluntarily dismiss an action by filing a stipulation of dismissal signed by all parties who have appeared, and the Southern District of California requires a stipulated dismissal to be filed as a joint motion. The parties' submission satisfied those requirements.
2. The action was dismissed with prejudice, with each party bearing its own costs and attorneys' fees.

KEY QUOTATIONS

“Under Rule 41(a)(1), a plaintiff has an absolute right to voluntarily dismiss its action by (1) filing a notice of voluntary dismissal before a defendant has filed an answer or moved for summary judgment or (2) filing a stipulation of dismissal signed by all parties who have appeared.” (at 1)

“Thus, the Court DISMISSES WITH PREJUDICE the action against Defendant. Each party shall bear its own costs and attorneys’ fees.” (at 2)

FACTUAL BACKGROUND

The opinion concerns an action brought by Glenn Cassity and Tiffany Cassity against FCA USA, LLC. Before the court ruled on the merits, all parties submitted a joint motion seeking voluntary dismissal pursuant to a stipulation under Rule 41(a)(1)(A)(ii).

PROCEDURAL HISTORY

Plaintiffs Glenn Cassity and Tiffany Cassity filed the action against FCA USA, LLC. The parties submitted a joint motion to dismiss under Rule 41(a)(1)(A)(ii), and the district court granted the motion, dismissed the action with prejudice, ordered each party to bear its own costs and attorneys' fees, and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)
- Stone v. Woodford, No. CIV-F-05-845 AWI-DLB, 2007 WL 527766 (E.D. Cal. Feb. 16, 2007)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 SOUTHERN DISTRICT OF CALIFORNIA 10 11 GLENN CASSITY and TIFFANY Case No. 24-cv-02187-BAS-SBC CASSITY, 12 ORDER GRANTING PARTIES’ Plaintiffs, 13 JOINT MOTION TO DISMISS v. 14 (ECF No. 9) FCA USA, LLC, 15 Defendant. 16 17 18 Pending before the Court is the parties’ joint motion pursuant to Federal Rule of 19 Civil Procedure (“Rule”) 41(a)(1)(A)(ii) to dismiss the instant action.

(ECF No. 9.) 20 Under Rule 41(a)(1), a plaintiff has an absolute right to voluntarily dismiss its action 21 by (1) filing a notice of voluntary dismissal before a defendant has filed an answer or 22 moved for summary judgment or (2) filing a stipulation of dismissal signed by all parties 23 who have appeared. Fed. R. Civ. P. 41(a)(1)(A); see also *Wilson v. City of San Jose*, 111 24 F.3d 688, 692 (9th Cir.

1997). Dismissal is effective upon the filing of a notice or 25 stipulation, as described in Rule 41(a)(1)(A), and no court order is required. *Stone v. 26 Woodford*, No. CIV-F-05-845 AWI-DLB, 2007 WL 527766 (E.D. Cal. Feb. 16, 2007). A 27 dismissal is without prejudice unless the parties stipulate otherwise. Fed. R. Civ. P. 28 41(a)(1)(B).

However, the local civil rules of this district require that where, as here, 1 || litigants seek voluntary dismissal pursuant to stipulation, in accordance with Rule 2 41(a)(1)(A)(a1), the stipulation of dismissal must be filed as a joint motion. See CivLR 7.2. 3 Having considered the parties' submission, the Court GRANTS the Joint Motion. 4 ||(ECF No. 9.)

Thus, the Court DISMISSES WITH PREJUDICE the action against 5 || Defendant. Each party shall bear its own costs and attorneys' fees. The Clerk of Court is 6 || directed to close the case. 7 IT IS SO ORDERED. 8 ~ 9 || DATED: June 2, 2025 (yi. (Doha 10 H n. Cynthia Bashant, Chief Judge United States District Court 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28