

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
LOUISIANA

Jenna Combel v. Great International Supply Chain Management Co.,  
Ltd., et al.

Combel · No. No. 25-1252 · Decided February 2, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana denied Jenna Combel’s motion under Federal Rule of Civil Procedure 41(a)(2) to dismiss without prejudice the class action claims and allegations while leaving her individual claims intact. The court held that, under binding Fifth Circuit precedent, Rule 41 does not permit dismissal of individual claims, and noted that the proposed amendment to Rule 41 had not yet been adopted.

CASE DETAILS

|                       |                                                                                                                                                                                                                                        |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Eastern District of Louisiana                                                                                                                                                                     |
| WRITING FOR THE COURT | Sarah S. Vance                                                                                                                                                                                                                         |
| JURISDICTION          | United States District Court for the Eastern District of Louisiana                                                                                                                                                                     |
| DECIDED               | February 2, 2026                                                                                                                                                                                                                       |
| DOCKET                | No. 25-1252                                                                                                                                                                                                                            |
| DISPOSITION           | other                                                                                                                                                                                                                                  |
| PROCEDURAL POSTURE    | Plaintiff moved under Federal Rule of Civil Procedure 41(a)(2) to dismiss without prejudice the class-action claims and allegations in her complaint while leaving her individual claims intact. The district court denied the motion. |
| STANDARD OF REVIEW    | The court applied the requirements of Federal Rule of Civil Procedure 41(a)(2) and binding Fifth Circuit precedent governing voluntary dismissal of claims.                                                                            |
| PRECEDENTIAL VALUE    | Unpublished federal district court order; persuasive rather than precedential outside the court.                                                                                                                                       |

TOPICS

- class actions
- motions to dismiss
- civil procedure
- commercial litigation

## PRACTICE AREAS

civil procedure

class actions

commercial litigation

## QUESTIONS PRESENTED

1. Whether court approval under Federal Rule of Civil Procedure 23(e) was required for dismissal of the class-action claims before class certification or a proposal for certification for settlement purposes.
2. Whether Federal Rule of Civil Procedure 41(a)(2) permits a plaintiff to voluntarily dismiss individual claims while leaving other claims in the action intact.

## HOLDINGS

1. Court approval under Rule 23(e) was not required because the class had not been certified and had not been proposed for certification for settlement purposes.
2. Rule 41(a) does not permit a plaintiff to dismiss individual claims while leaving other claims intact; therefore, Combel could not dismiss only her class-action claims under Rule 41(a)(2).

## KEY QUOTATIONS

*“Under binding Fifth Circuit precedent, Rule 41 does not allow a plaintiff to dismiss individual claims.”*

*“This is impermissible under the Fifth Circuit’s Rule 41(a) precedent.”*

*“The Court therefore DENIES plaintiffs motion to dismiss without prejudice all class action claims.”*

## FACTUAL BACKGROUND

Combel's complaint asserted both individual and class-action claims. Before any class had been certified or proposed for certification for settlement purposes, Combel sought to dismiss all class-action claims and allegations without prejudice while retaining her individual claims.

## PROCEDURAL HISTORY

Jenna Combel filed a putative class action in the Eastern District of Louisiana. Before the class was certified or proposed for certification for settlement purposes, she moved to dismiss only the class-action claims and allegations without prejudice. The court denied the motion because Fifth Circuit precedent does not permit a plaintiff to use Rule 41(a) to dismiss individual claims.

## DISPOSITION

other

## CASES CITED

- Adams v. USAA Casualty Insurance Co., 863 F.3d 1069, 1081-82
- Williams v. Seidenbach, 958 F.3d 341, 344
- Exxon Corp. v. Maryland Cas. Co., 599 F.2d 659, 662

- Hells Canyon Preservation Council v. U.S. Forest Service, 403 F.3d 683, 688
- Johnston v. Cartwright, 355 F.2d 32, 39
- Bragg v. Robertson, 54 F. Supp. 2d 653
- Dirauf v. Berger, 506 F. Supp. 3d 254, 263
- Guzman-Fonalledas v. Hosp. Expanol Auxilio Mutuo, 289 F. Supp. 3d 331, 333

## OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA JENNA COMBEL CIVIL ACTION VERSUS NO. 25-1252 GREAT INTERNATIONAL SUPPLY SECTION “R” (3) CHAIN MANAGEMENT CO., LTD, ET AL ORDER AND REASONS Plaintiff Jenna Combel moves to dismiss without prejudice all class action claims and allegations she asserted in her complaint under Fed. R. Civ. P. 41(a)(2).<sup>1</sup> For the following reasons, the Court denies the motion.

As the class action had not yet been certified or proposed to be certified for the purposes of settlement, Court approval of the dismissal of the class action claims and allegations is not required by rule. Fed. R. Civ. P. 23(e) (requiring court approval of the voluntary dismissal of the claims, issues, or defenses of a certified class or a class proposed to be certified for the purposes of settlement); see also *Adams v. USAA Casualty Insurance Company*, 863 F.3d 1069, 1081-82 (noting that several courts have held that settlements or voluntary dismissals that occur before class certifications are outside the scope of Rule 23 and collecting cases).

<sup>1</sup> R. Doc. 40. Combel’s motion instead falls under Fed. R. Civ. P. 41(a). Rule 41(a) allows plaintiffs to voluntarily dismiss “an action.” *Williams v. Seidenbach*, 958 F.3d 341, 344 (5th Cir. 2020). Under binding Fifth Circuit precedent, Rule 41 does not allow a plaintiff to dismiss individual claims. *Id.* (distinguishing between impermissible Rule 41(a) dismissals of individual claims and permissible Rule 41(a) dismissals of individuals defendants); see also *Exxon Corp. v. Maryland Cas.*

*Co.*, 599 F.2d 659, 662 (5th Cir. 1979). Other courts take a different view. *Hells Canyon Preservation Council v. U.S. Forest Service*, 403 F.3d 683, 688 (9th Cir. 2005) (finding “no reason to make a distinction” between dismissals under Rule 15(a) and those under Rule 41(a)); see also *Johnston v. Cartwright*, 355 F.2d 32, 39 (8th Cir. 1966); *Bragg v. Robertson*, 54 F. Supp. 2d 653 (S.D.

W. Va. 1999); *Dirauf v. Berger*, 506 F. Supp. 3d 254, 263 (D.N.J. 2020); *Guzman-Fonalledas v. Hosp. Expanol Auxilio Mutuo*, 289 F. Supp. 3d 331, 333 (D.P.R. 2018). Here, Combel purports to dismiss her class action claims under Fed. R. Civ. P. 41(a)(2) while leaving her individual claims intact. This is impermissible under the Fifth Circuit’s Rule 41(a) precedent.

The Judiciary has proposed an amendment to Rule 41(a) to allow voluntary dismissal of one or more of a plaintiff's claims, but that proposal is not ripe for adoption. Jud. Conf. Comm. Rules of Practice & Proc., Proposed Amendments to the Federal Rules of Appellate, Bankruptcy, Civil, and Criminal Procedure and the Federal Rules of Evidence (Aug. 2025).

The rationale for the proposed amendment is a persuasive one: permitting dismissal of one or more claims in a multi-claim case is consistent with the general policy favoring narrowing issues through pretrial proceedings, simplifying proceedings, and facilitating settlements. See *id.* Regardless, this Court is bound by Fifth Circuit precedent.

The Court therefore DENIES plaintiffs motion to dismiss without prejudice all class action claims. New Orleans, Louisiana, this 2nd day of February, 2026. Aorwk Varne SARAH S. VANCE  
UNITED STATES DISTRICT JUDGE