

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Franklin v. Scripps Health

No. 22-cv-0367-MMA-MMP, United States District Court for the Southern District of California (May 1, 2025)

SUMMARY

The United States District Court for the Southern District of California denied without prejudice the parties' joint motion to dismiss the plaintiffs' sixth cause of action under the Private Attorney General Act. The court held that Federal Rule of Civil Procedure 41(a) permits dismissal of actions, not individual claims, and directed the parties to seek amendment under Rule 15 after the stay is lifted.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Michael M. Anello
JURISDICTION	United States District Court for the Southern District of California
DECIDED	May 1, 2025
DOCKET	22-cv-0367-MMA-MMP
DISPOSITION	other
PROCEDURAL POSTURE	The court considered a joint stipulation, construed as a joint motion under Federal Rule of Civil Procedure 41(a), seeking dismissal of Plaintiffs' sixth cause of action under the Private Attorney General Act.
PRECEDENTIAL VALUE	unknown

TOPICS

- motions to dismiss
- motion to amend
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- employment law

QUESTIONS PRESENTED

1. Whether Federal Rule of Civil Procedure 41(a) permits parties to dismiss an individual claim, rather than the entire action, by stipulation or joint motion.

HOLDINGS

1. Rule 41(a) provides for dismissal of actions, not individual claims within an action; withdrawal of an individual claim against a defendant must instead be pursued under Rule 15.

KEY QUOTATIONS

“Rule 41(a) does not allow for “piecemeal dismissals,” and that “withdrawals of individual claims against a given defendant are governed by [Rule] 15” (at 1)

FACTUAL BACKGROUND

Michelle Franklin and Irene Gamboa brought claims against Scripps Health, including a sixth cause of action under the Private Attorney General Act. While the federal matter was stayed pending state-court proceedings, the parties jointly sought dismissal of that individual claim.

PROCEDURAL HISTORY

Plaintiffs and Defendant jointly sought dismissal of one claim while the matter was stayed pending state-court actions. The district court denied the motion without prejudice because Rule 41(a) authorizes dismissal of actions, not individual claims, and directed the parties to file a joint status report after the state-court actions concluded.

DISPOSITION

other

REMAND INSTRUCTIONS

The motion was denied without prejudice to filing a motion to amend the pleadings after the stay is lifted. The parties were reminded to file a joint status report within five business days after the conclusion of the state-court actions for which the matter was stayed.

CASES CITED

- Hells Canyon Pres. Council v. U.S. Forest Serv., 403 F.3d 683, 687–88 (9th Cir. 2005)

OPINION

Franklin v. Scripps Health

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 MICHELLE FRANKLIN, et al., Case No. 22-cv-0367-MMA-MMP individually and on
behalf of all others 12 similarly situated, ORDER DENYING JOINT MOTION

13 TO DISMISS WITHOUT

Plaintiffs,

PREJUDICE TO FUTURE FILINGS

14 v. 15 [Doc. No. 26] SCRIPPS HEALTH, et al., 16 Defendants. 17 18 19 20 On April 30, 2025, Plaintiffs Michelle Franklin and Irene Gamboa (“Plaintiffs”) 21 and Defendant Scripps Health (“Defendant”) filed a joint stipulation, which the Court 22 construes as a joint motion, to dismiss Plaintiffs’ sixth cause of action (Private Attorney 23 General Act) against Defendant pursuant to Federal Rule of Civil Procedure 41(a)(1). 24 Doc. No. 26. However, Rule 41(a) provides for dismissal only as to actions, not as to 25 individual claims within an action. Fed. R. Civ. P. 41(a); Hells Canyon Pres. Council v. 26 U.S. Forest Serv., 403 F.3d 683, 687–88 (9th Cir. 2005) (holding that Rule 41(a) does not 27 allow for “piecemeal dismissals,” and that “withdrawals of individual claims against a 28 given defendant are governed by [Rule] 15 . . .”). 1 Therefore, the Court DENIES the joint motion without prejudice to filing a motion 2 amend the pleadings after the stay is lifted. The parties are reminded that they are to 3 || file a joint status report within five (5) business days of the conclusion of the state 4 ||court actions for which this matter was stayed. Doc. No. 22 at 11. 5 IT IS SO ORDERED. 6 Dated: May 1, 2025 Mike TM - ☐☐ toll
7 HON. MICHAEL M. ANELLO
g United States District Judge 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28