

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.

OPINION

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