

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)

OPINION

Franklin v. Scripps Health

PER CURIAM.

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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