

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Williams v. Target Corporation

Williams · No. 22-cv-1575-BAS-AGS · Decided March 8, 2023

SUMMARY

The United States District Court for the Southern District of California granted the parties’ joint motion to dismiss Craig Williams’s action against Target Corporation. The court dismissed the action with prejudice, ordered each party to bear its own costs and attorney fees, and directed the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Cynthia Bashant
JURISDICTION	United States District Court for the Southern District of California
DECIDED	March 8, 2023
DOCKET	22-cv-1575-BAS-AGS
DISPOSITION	dismissed
PROCEDURAL POSTURE	The parties jointly moved to dismiss the action after filing a stipulation for dismissal with prejudice.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- motions to dismiss
- civil procedure
- attorney fees
- costs

PRACTICE AREAS

- civil procedure
- remedies

QUESTIONS PRESENTED

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

HOLDINGS

- 1. The parties' joint motion properly presented their stipulated voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A) and Civil Local Rule 7.2.
- 2. The action against Target Corporation was dismissed with prejudice pursuant to the parties' agreement.

KEY QUOTATIONS

- “Dismissal is effective upon the filing of a compliant notice or stipulation, as described in Rule 41(a)(1)(A), and no court order is required.” (at 1)
- “Thus, the Court **DISMISSES WITH PREJUDICE** the action against Defendant. Each party shall bear its own costs and attorney fees.” (at 2)

FACTUAL BACKGROUND

The parties agreed to dismiss the action with prejudice. They submitted a stipulation for dismissal and a joint motion because the Southern District of California's local rules require a stipulated voluntary dismissal to be filed as a joint motion.

PROCEDURAL HISTORY

Plaintiff Craig Williams and Defendant Target Corporation submitted a stipulation for dismissal with prejudice and a joint motion to dismiss. The district court granted the joint motion, terminated the stipulation, dismissed the action with prejudice, allocated costs and attorney fees to each party, 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

Williams v. Target Corporation

PER CURIAM.

1 2 3 4 5 6 7 8 9

10 UNITED STATES DISTRICT COURT

11 SOUTHERN DISTRICT OF CALIFORNIA

12 13 CRAIG WILLIAMS, Case No. 22-cv-1575-BAS-AGS 14 Plaintiff,

ORDER GRANTING JOINT

15 v. MOTION TO DISMISS (ECF No. 9; ECF No. 10)

16 TARGET CORPORATION,

17 Defendant. 18

19 20 21 Pending before the Court is the parties' Stipulation for Dismissal of Action with 22
Prejudice (ECF No. 9) and a Joint Motion to Dismiss (ECF No. 10). Under Rule 41(a)(1), 23 a
plaintiff has an absolute right to voluntarily dismiss its action by (1) filing a notice of 24 voluntary
dismissal before a defendant has filed an answer or moved for summary 25 judgment, or (2) filing
a stipulation of dismissal signed by all parties who have appeared. 26 Fed. R. Civ. P. 41(a)(1)(A);
see also *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th
27 Cir. 1997). Dismissal is effective upon the filing of a compliant notice or stipulation, as
28 described in Rule 41(a)(1)(A), and no court order is required. *Stone v. Woodford*, No. CIV- 1 ||
F-05-845 AWI-DLB, 2007 WL 527766 (E.D. Cal. Feb. 16, 2007). A dismissal is without 2 ||
prejudice unless the parties stipulate otherwise. Fed. R. Civ. P. 41(a)(1)(B). However, the 3 || local
civil rules of this district require that where, as here, litigants seek voluntary dismissal 4 || pursuant
to stipulation, in accordance with Rule 41(a)(1)(A)(i1), the stipulation of dismissal 5 || must be
filed as a joint motion. See CivLR 7.2. 6 Having considered the parties' submissions, the Court
GRANTS the Joint Motion 7 || (ECF No. 10) and TERMINATES the parties' Stipulation (ECF No.
9). Thus, the Court 8 || DISMISSES WITH PREJUDICE the action against Defendant. Each party
shall bear its 9 || own costs and attorney fees. The Clerk of Court is directed to close the case. 10 IT
IS SO ORDERED. 11 A , 12 DATED: March 8, 2023 (Yin A (Lyohaa é 13 United States District
Judge 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 4.