

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

OPINION

Williams v. Target Corporation

PER CURIAM.

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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.