

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Charman v. Drip Global, Inc. f/k/a Avenue 81 Inc.

Charman · No. 22-cv-1682-BAS-AGS · Decided March 9, 2023

SUMMARY

The United States District Court for the Southern District of California grants the parties’ joint motion to dismiss under Federal Rule of Civil Procedure 41(a)(1)(A)(ii). The action is dismissed with prejudice, the parties bear their own costs and attorneys’ fees, and the Clerk is directed to close the matter.

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 9, 2023
DOCKET	22-cv-1682-BAS-AGS
DISPOSITION	dismissed
PROCEDURAL POSTURE	The parties jointly moved to dismiss the action with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii).
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Thane Charman v. Drip Global, Inc. f/k/a Avenue 81 Inc.

TOPICS

- motions to dismiss
- civil procedure
- remedies

PRACTICE AREAS

- civil procedure
- remedies

QUESTIONS PRESENTED

- Whether the parties' joint motion for dismissal with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) should be granted.

2. Whether the action should be dismissed with prejudice and the parties ordered to bear their own costs and attorneys' fees.

HOLDINGS

1. A stipulation of dismissal signed by all parties who have appeared permits voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(ii); the court granted the parties' joint motion and dismissed the action with prejudice.

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.” (1)

FACTUAL BACKGROUND

The opinion provides no substantive facts concerning the underlying dispute. The parties agreed to terminate the action by filing a joint motion for dismissal with prejudice under Rule 41(a)(1)(A)(ii).

PROCEDURAL HISTORY

Plaintiff brought the action against Defendant. The parties then filed a signed joint motion seeking dismissal with prejudice, which the court granted and directed the Clerk to close the matter.

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

Charman v. Avenue 81 Inc.

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 THANE CHARMAN, Case No. 22-cv-1682-BAS-AGS 12 Plaintiff,

ORDER GRANTING JOINT

13 v. MOTION TO DISMISS (ECF No. 18)

14 DRIP GLOBAL, INC. f/k/a AVENUE 81

INC., a Delaware corporation, 15 Defendant. 16 17 18 Before this Court is the parties’ joint motion to dismiss the instant action with 19 prejudice under Federal Rule of Civil Procedure

("Rule") 41(a)(1)(A)(ii). (Joint Mot., ECF
20 No. 18.)

21 Under Rule 41(a)(1)(A), a plaintiff has an absolute right to voluntarily dismiss its 22 action by
(1) filing a notice of voluntary dismissal before a defendant has filed an answer 23 or moved for
summary judgment, or (2) filing a stipulation of dismissal signed by all parties 24 who have
appeared. Fed. R. Civ. P. 41(a)(1)(A)(i), (ii); see also *Wilson v. City of San Jose*, 25 111 F.3d 688,
692 (9th Cir. 1997). Dismissal is effective upon the filing of a compliant 26 notice or stipulation,
as described in Rule 41(a)(1)(A), and no court order is required. *Stone 27 v. Woodford*, No. CIV-
F-05-845 AWI-DLB, 2007 WL 527766 (E.D. Cal. Feb. 16, 2007). 28 1 ||A dismissal is without
prejudice unless the parties stipulate otherwise. Fed. R. Civ. P. 2 }41(a)(1)(B). 3 Nonetheless, the
local civil rules of this district require that where, as here, litigant 4 ||seek voluntary dismissal by
filing a signed stipulation pursuant to Rule 41(a)(1)(A)(11), suc! 5 stipulation must be filed as a
joint motion.'! In accordance with this district's local civi 6 ||rules, the parties filed Rule
stipulation, which they styled as | 7 || Jomt Motion. (See ECF
No. 18.) 8 Having considered the parties' request, the Court GRANTS the Joint Motion. (EC] 9 ||
No. 18.) Thus, the Court DISMISSES WITH PREJUDICE the instant action. The partie 10 bear
their own costs and attorneys' fees. The Clerk of Court is directed to close thi 11 ||] matter.

12 IT IS SO ORDERED. / ,

13 || DATED: March 9, 2023 Lin A (Ayphan 6 14 United States District Judge 15 16 17 18 19 20
21 22 23 24 25 26 27 28 sorthe once Rectronic case Fring Administrative Policies and Procedures
Manual, United States District Cou