

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.

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