

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PRECEDENTIAL VALUE	nonprecedential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)