

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Pontus Mag Vallejo, LLC v. West American Insurance Company

Pontus Mag Vallejo · No. 22-cv-1086-BAS-DDL · Decided March 3, 2023

SUMMARY

The United States District Court for the Southern District of California granted the parties' joint motion to dismiss the action under Federal Rule of Civil Procedure 41(a)(1)(A)(ii). The action was dismissed with prejudice, each party was ordered to bear its own costs and attorneys' fees, and the Clerk was directed to close the matter.

OPINION

Pontus Mag Vallejo, LLC v. West American Insurance Company

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 SOUTHERN DISTRICT OF CALIFORNIA

10 11 PONTUS MAG VALLEJO, LLC, Case No. 22-cv-1086-BAS-DDL 12 Plaintiff,

ORDER GRANTING JOINT

13 v. MOTION TO DISMISS

14 WEST AMERICAN INSURANCE

(ECF No. 30)

COMPANY,

15 Defendant. 16

17 Before this Court is the parties' joint motion to dismiss the instant action with 18 prejudice
under Federal Rule of Civil Procedure ("Rule") 41(a)(1)(A)(ii). (Joint Mot., ECF 19 No. 30.) 20
Under Rule 41(a)(1)(A), a plaintiff has an absolute right to voluntarily dismiss its 21 action by (1)
filing a notice of voluntary dismissal before a defendant has filed an answer 22 or moved for
summary judgment, or (2) filing a stipulation of dismissal signed by all 23 parties who have
appeared. Fed. R. Civ. P. 41(a)(1)(A)(i), (ii); see also *Wilson v. City of* 24 *San Jose*, 111 F.3d 688,
692 (9th Cir. 1997). Dismissal is effective upon the filing of a 25 compliant notice or stipulation,
as described in Rule 41(a)(1)(A), and no court order is 26 required. *Stone v. Woodford*, No. CIV-
F-05-845 AWI-DLB, 2007 WL 527766 (E.D. Cal. 27 28 1 16, 2007). A dismissal is without
prejudice unless the parties stipulate otherwise. 2 || Fed. R. Civ. P. 41(a)(1)(B). 3 Nonetheless, the
local civil rules of this district require that where, as here, litigants 4 ||seek voluntary dismissal by
filing a signed stipulation pursuant to Rule 41(a)(1)(A)(i1), 5 ||such a stipulation must be filed as a

joint motion.' In accordance with this district's local 6 || civil rules, the parties filed Rule 41(a)(1) (A)(i1)-compliant stipulation, which they styled 7 a Joint Motion. (See ECF No. 30.) 8 Having considered the parties' request, the Court GRANTS the Joint Motion. (ECF 9 || No. 30.) Thus, the Court DISMISSES WITH PREJUDICE the instant action. The 10 parties shall bear their own costs and attorneys' fees. The Clerk of Court is directed to 11 |}close this matter.

12 IT IS SO ORDERED. / ,

13 || DATED: March 3, 2023 Lin A (Lyohaa 6 14 United States District Judge 15 16 17 18 19 20 21 22 23 24 25 26 27 28 ' See Electronic Case Filing Administrative Policies and Procedures Manual, United States District Court for the Southern District of California.