

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Knutson v. TransUnion, LLC

Knutson · No. 1:25-cv-00255-JLT-SAB · Decided June 3, 2025

SUMMARY

The United States District Court for the Eastern District of California discharged an order to show cause after the plaintiff filed notices voluntarily dismissing TD Bank USA, N.A. and Experian Information Solutions, Inc. The court directed the clerk to terminate those defendants because neither had filed an answer or motion for summary judgment, making dismissal effective under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 3, 2025
DOCKET	1:25-cv-00255-JLT-SAB
DISPOSITION	other
PROCEDURAL POSTURE	The district court addressed an order to show cause concerning the failure to file dispositional documents and plaintiff's notices of voluntary dismissal of two defendants.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown.

TOPICS

- civil procedure
- sanctions
- motions to dismiss

PRACTICE AREAS

- civil procedure
- consumer protection

QUESTIONS PRESENTED

- Whether plaintiff could voluntarily dismiss TD Bank USA, N.A. and Experian Information Solutions, Inc. without a court order under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

2. Whether the order to show cause concerning failure to file dispositional documents should be discharged.

HOLDINGS

1. Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff may voluntarily dismiss a defendant without a court order before that defendant serves an answer or a motion for summary judgment. Because neither TD Bank USA, N.A. nor Experian Information Solutions, Inc. had served either filing, the dismissals were effective upon filing, and the clerk was directed to terminate those defendants.
2. The order to show cause should be discharged because plaintiff filed notices of voluntary dismissal addressing the affected defendants.

KEY QUOTATIONS

“ “[A] dismissal under Rule 41(a)(1) is effective on filing, no court order is required, the parties are left as though no action had been brought, the defendant can’t complain, and the district court lacks jurisdiction to do anything about it.” ” (at 1-2)

FACTUAL BACKGROUND

Plaintiff Tammy Knutson filed notices of voluntary dismissal concerning TD Bank USA, N.A. and Experian Information Solutions, Inc. Neither defendant had filed an answer or a motion for summary judgment. The court therefore concluded that the dismissals were effective without a court order and directed the clerk to terminate those defendants.

PROCEDURAL HISTORY

On May 29, 2025, the court issued an order to show cause why sanctions should not be imposed for failure to file dispositional documents concerning TD Bank USA, N.A. by the court-ordered deadline. Plaintiff then filed notices voluntarily dismissing TD Bank USA, N.A. and Experian Information Solutions, Inc. with prejudice. The court discharged the order to show cause and directed the clerk to terminate those two defendants because neither had served an answer or motion for summary judgment.

DISPOSITION

other

CASES CITED

- Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077-78 (9th Cir. 1999)
- Wilson v. City of San Jose, 111 F.3d 688, 692 (9th Cir. 1997)
- Pedrina v. Chun, 987 F.2d 608, 609 (9th Cir. 1993)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 10 EASTERN DISTRICT OF
CALIFORNIA 11 TAMMY KNUTSON, Case No. 1:25-cv-00255-JLT-SAB 12 Plaintiff, ORDER
DISCHARGING ORDER TO 13 SHOW CAUSE AND DIRECTING CLERK v. OF COURT TO
TERMINATE TD BANK 14 USA, N.A. AND EXPERIAN EQUIFAX, INC., et al.,
INFORMATION SOLUTIONS, INC. AS 15 DEFENDANTS IN THIS ACTION Defendants. 16
(ECF Nos. 26, 27, 28) 17 On May 29, 2025, the Court issued an order requiring the parties to
show cause in writing 18 why sanctions should not be imposed for failure to file dispositional
documents for Defendant 19 TD Bank USA, N.A. by the court ordered deadline.

(ECF No. 26.) On May 29, 2025, Plaintiff 20 filed notices of voluntary dismissal of Defendants
TD Bank USA, N.A. (ECF No. 27) and 21 Experian Information Solutions, Inc. with prejudice
(ECF No. 28). The Court discharges the 22 order to show cause. 23 “[U]nder Rule 41(a)(1)(A)(i),
‘a plaintiff has an absolute right to voluntarily dismiss his 24 action prior to service by the
defendant of an answer or a motion for summary judgment.’ ” 25 Commercial Space Mgmt.

Co., Inc. v. Boeing Co., Inc., 193 F.3d 1074, 1077 (9th Cir. 1999) 26 (quoting Wilson v. City of
San Jose, 111 F.3d 688, 692 (9th Cir. 1997)). The Ninth Circuit has 27 held that Rule 41(a) allows
a plaintiff to dismiss without a court order any defendant who has yet to serve an answer or motion
for summary judgment. Pedrina v. Chun, 987 F.2d 608, 609 (9th 1 | Cir.

1993). “[A] dismissal under Rule 41(a)(1) is effective on filing, no court order is required, 2 | the
parties are left as though no action had been brought, the defendant can’t complain, and the 3 |
district court lacks jurisdiction to do anything about it.” Commercial Space Mgmt. Co., Inc., 193
4|F.3d at 1078. Neither Defendant TD Bank USA, N.A. nor Defendant Experian Information 5 |
Solutions, Inc. have filed an answer or a motion for summary judgment in this action.

6 Accordingly, the Clerk of the Court is DIRECTED to terminate TD Bank USA, N.A. and 7 |
Experian Information Solutions, Inc. as defendants in this action. 8 9 IT IS SO ORDERED. FA. Se
10 | Dated: _ June 3, 2025; STANLEY A. BOONE 1] United States Magistrate Judge 12 13 14 15
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