

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).

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
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