

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WISCONSIN

Steinbrecher v. Kenvue, Inc., et al.

Steinbrecher · No. 25-CV-1923 · Decided April 10, 2026

SUMMARY

The United States District Court for the Eastern District of Wisconsin denies the Hamilton Lincoln Law Institute’s Center for Class Action Fairness leave to file an amicus curiae brief because the plaintiff did not timely file a mootness fee petition. The court reiterates that the plaintiff’s Rule 41(a)(1)(A)(i) voluntary dismissal was effective upon filing and closes the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of Wisconsin
JURISDICTION	United States District Court for the Eastern District of Wisconsin
DECIDED	April 10, 2026
DOCKET	25-CV-1923
DISPOSITION	other
PROCEDURAL POSTURE	After filing a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiff sought an order adopting the dismissal and permitting a later motion for attorneys' fees and costs. An amicus curiae organization sought leave to file a brief concerning the Court's prior procedural order.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Nicholas Steinbrecher v. Kenvue, Inc., et al.

TOPICS

- civil procedure
- attorney fees
- motions to dismiss
- equitable relief

PRACTICE AREAS

- civil procedure
- class action attorneys' fees

QUESTIONS PRESENTED

1. Whether an order adopting or granting a voluntary dismissal was necessary after Plaintiff filed a notice of voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

2. Whether the proposed amicus curiae brief should be accepted when no mootness-fee petition was pending.
3. Whether the case should be closed following Plaintiff's effective notice of voluntary dismissal.

HOLDINGS

1. A voluntary dismissal under Federal Rule of Civil Procedure 41(a)(1)(A)(i) becomes effective when the plaintiff files the notice of voluntary dismissal; a court order granting or adopting the dismissal is superfluous.
2. Leave to file the proposed amicus curiae brief was denied because Plaintiff did not timely file a mootness-fee petition, leaving no pending motion on which the proposed amicus could weigh in.

KEY QUOTATIONS

“voluntary dismissal under Rule 41(a)(1)(A)(i) is effective upon the plaintiff filing the notice of voluntary dismissal, so a court order “granting” the voluntary dismissal is “superfluous.”” (at 1-2)

FACTUAL BACKGROUND

Nicholas Steinbrecher sued Kenvue, Inc. and members of the company's board of directors. He filed a notice of voluntary dismissal and sought permission to pursue attorneys' fees and costs through a later mootness-fee petition. After the Court allowed additional time for such a motion, Steinbrecher filed none, while the Center for Class Action Fairness sought leave to file an amicus brief addressing the Court's procedural concerns.

PROCEDURAL HISTORY

Plaintiff filed a notice of voluntary dismissal on January 28, 2026. The Court declined to enter a dismissal order because the notice was effective upon filing, but permitted Plaintiff until March 30, 2026, to file and serve any mootness-fee motion. Plaintiff filed no such motion. The Center for Class Action Fairness then moved for leave to file an amicus brief, which the Court denied because there was no pending fee petition, and the Court again closed the case pursuant to the notice of voluntary dismissal.

DISPOSITION

other

CASES CITED

- *Alcarez v. Akorn, Inc.*, 99 F.4th 368 (7th Cir. 2024)

OPINION

Steinbrecher

PER CURIAM.

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

NICHOLAS STEINBRECHER,

Plaintiff, v. Case No. 25-CV-1923 KENVUE, INC., et al., Defendants.

ORDER

On January 28, 2026, Plaintiff Nicholas Steinbrecher filed a notice of voluntary dismissal of his lawsuit against Kenvue, Inc. and members of the Company's board of directors. Steinbrecher requested entry of an Order "adopting" his voluntary dismissal and allowing him until March 30, 2026, to file a petition for attorneys' fees and costs. (Docket # 5-1.) In an Order dated January 30, 2026, I declined to enter Steinbrecher's requested order, explaining that voluntary dismissal under Rule 41(a)(1)(A)(i) is effective upon the plaintiff filing the notice of voluntary dismissal, so a court order "granting" the voluntary dismissal is "superfluous." (Docket # 6 at 2.) I further questioned whether Steinbrecher's request to seek a mootness fee petition pursuant to Fed. R. Civ. P. 54(d)(2)(B) was the proper procedural vehicle in which to bring such motion. (Id. at 2-3.) I reminded Steinbrecher that should he request a mootness fee in this case, *Alcares v. Akorn, Inc.*, 99 F.4th 368 (7th Cir. 2024), requires the Court to make specific findings regarding compliance by each party and each attorney representing any party with each requirement of Rule 11(b) of the Federal Rules of Civil Procedure as to any complaint, responsive pleading, or dispositive motion. (/d. at 3.) Despite raising these procedural issues, I allowed Steinbrecher until March 30, 2026, to file and serve on defendants any such motion. (id.) Steinbrecher failed to file any motion by March 30, 2026. However, the Hamilton Lincoln Law Institute's Center for Class Action Fairness filed a motion for leave to file an amicus curiae brief responding to the Court's January 30, 2026 Order. (Docket # 8.) The Center argues that it is not rational at this stage for defendants to oppose a fee petition and the Center stands ready to provide adversarial briefing in this case. (/d. at 1-2.) Given no mootness fee petition was timely filed, there is no pending motion on which the Center can weigh in. Thus, the Center's motion for leave to file an amicus curiae brief (Docket # 8) is denied. Once again, pursuant to Steinbrecher's notice of voluntary dismissal, this case is closed. SO ORDERED. Dated at Milwaukee, Wisconsin this 10th day of April, 2026.

Y THE COUR

an United States Magistrate Judge