

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Melanie Delapaz v. Robert Kisang Kwon

Delapaz v. Kwon · No. CV 22-08695 FMO (JCx) · Decided March 10, 2023

SUMMARY

The United States District Court for the Central District of California dismissed the action without prejudice after being advised that the parties had settled. The court retained jurisdiction and permitted reopening for good cause by April 10, 2023, if the settlement was not consummated.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Fernando M. Olguin
JURISDICTION	United States District Court for the Central District of California
DECIDED	March 10, 2023
DOCKET	CV 22-08695 FMO (JCx)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The action was dismissed without prejudice after counsel advised the court that the case had settled.
PRECEDENTIAL VALUE	unpublished

TOPICS

civil procedure

PRACTICE AREAS

civil procedure settlement dismissal

QUESTIONS PRESENTED

- Whether the settled action should be dismissed without prejudice and subject to reopening if the settlement was not consummated.

HOLDINGS

1. The court dismissed the action without costs and without prejudice because counsel advised that the action had settled.

KEY QUOTATIONS

“IT IS ORDERED that the above-captioned action is hereby dismissed without costs and without prejudice to the right, upon good cause shown by no later than April 10, 2023, to re-open the action if settlement is not consummated.” (1)

“The court retains full jurisdiction over this action and this Order shall not prejudice any party to this action.” (1)

FACTUAL BACKGROUND

Counsel advised the district court that the action had been settled. The court dismissed the case without prejudice and without costs, retaining jurisdiction and permitting a party to seek reopening for good cause if the settlement was not consummated.

PROCEDURAL HISTORY

Plaintiff filed this civil action against Defendant. After counsel notified the court of settlement, the district court dismissed the action without costs and without prejudice, while allowing reopening for good cause if the settlement was not consummated.

DISPOSITION

dismissed

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 629-30, 82 S. Ct. 1386, 1388 (1962)

OPINION

Melanie Delapaz v. Robert Kisang Kwon

PER CURIAM.

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7 UNITED STATES DISTRICT COURT

8 CENTRAL DISTRICT OF CALIFORNIA

9 10 Melanie Delapaz,) Case No. CV 22-08695 FMO (JCx)) 11 Plaintiff,))

12 v.) ORDER DISMISSING ACTION WITHOUT

) PREJUDICE

13 Robert Kisang Kwon,)) 14 Defendant.)) 15) 16 Having been advised by counsel that the
above-entitled action has been settled, (Dkt. 14, 17 Notice of Settlement), IT IS ORDERED that

the above-captioned action is hereby dismissed 18 without costs and without prejudice to the right, upon good cause shown by no later than April 10, 19 2023, to re-open the action if settlement is not consummated. The court retains full jurisdiction 20 over this action and this Order shall not prejudice any party to this action. Failure to re-open or 21 seek an extension of time to re-open the action by the deadline set forth above shall be deemed 22 as consent by the parties to dismissal of the action without prejudice. See Fed. R. Civ. P. 41(b); 23 *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-30, 82 S.Ct. 1386, 1388 (1962). 24 Dated this 10th day of March, 2023. 25 /s/ Fernando M. Olguin 26 United States District Judge 27 28