

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Granada v. TD Bank USA, N.A.

Granada · No. 1:25-cv-00200-KES-SAB · Decided April 3, 2025

SUMMARY

The United States District Court for the Eastern District of California directs the Clerk to terminate TransUnion, LLC as a defendant after Plaintiff filed a notice of dismissal with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i). The court explains that dismissal was effective upon filing because TransUnion had not served an answer or a motion for summary judgment.

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	April 3, 2025
DOCKET	1:25-cv-00200-KES-SAB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a notice voluntarily dismissing Defendant TransUnion, LLC with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(i).
PRECEDENTIAL VALUE	unpublished

TOPICS

civil procedure

PRACTICE AREAS

civil procedure

QUESTIONS PRESENTED

- Whether Plaintiff could voluntarily dismiss TransUnion, LLC without a court order under Federal Rule of Civil Procedure 41(a)(1)(A)(i).

2. Whether the clerk should terminate TransUnion, LLC as a defendant after the notice of dismissal was filed.

HOLDINGS

1. A plaintiff has an absolute right to voluntarily dismiss an action or a defendant before that defendant serves an answer or a motion for summary judgment, and the dismissal is effective upon filing without a court order.
2. Because the dismissal was effective upon filing, the clerk was directed to terminate TransUnion, LLC as a defendant in the action.

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” (at 1)

FACTUAL BACKGROUND

Plaintiff Noida Granada sued TD Bank USA, N.A., and other defendants. Plaintiff filed a notice dismissing TransUnion, LLC with prejudice on April 2, 2025. TransUnion had not filed an answer or a motion for summary judgment.

PROCEDURAL HISTORY

Plaintiff filed this action against TD Bank USA, N.A., and other defendants. Before TransUnion, LLC served an answer or a motion for summary judgment, Plaintiff filed a notice of dismissal with prejudice as to TransUnion. The court directed the clerk to terminate TransUnion as a defendant.

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 EASTERN DISTRICT OF
CALIFORNIA 10 11 NOIDA GRANADA, Case No. 1:25-cv-00200-KES-SAB 12 Plaintiff,
ORDER DIRECTING THE CLERK OF THE COURT TO TERMINATE TRANSUNION, 13 v.
LLC AS A DEFENDANT IN THIS ACTION 14 TD BANK USA, N.A., et al., (ECF No. 15) 15
Defendants. 16 17 On April 2, 2025, Plaintiff filed a notice of dismissal of Defendant TransUnion,
LLC 18 with prejudice pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure.

(ECF 19 No. 15.) 20 “[U]nder Rule 41(a)(1)(A)(i), ‘a plaintiff has an absolute right to voluntarily dismiss his 21 action prior to service by the defendant of an answer or a motion for summary judgment.’ ” 22 *Commercial Space Mgmt. Co., Inc. v. Boeing Co., Inc.*, 193 F.3d 1074, 1077 (9th Cir. 1999) 23 (quoting *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir.

1997)). The Ninth Circuit has 24 held that Rule 41(a) allows a plaintiff to dismiss without a court order any defendant who has yet 25 to serve an answer or motion for summary judgment. *Pedrina v. Chun*, 987 F.2d 608, 609 (9th 26 Cir. 1993). “[A] dismissal under Rule 41(a)(1) is effective on filing, no court order is required, 27 the parties are left as though no action had been brought, the defendant can’t complain, and the 1 | F.3d at 1078.

Defendant TransUnion, LLC has not filed an answer or a motion for summary 2 | judgment in this action. 3 Accordingly, the Clerk of the Court is DIRECTED to terminate TransUnion, LLC as a 4 | defendant in this action. 5 6 IT IS SO ORDERED. FA. ee 7 | Dated: _ April 3, 2025 STANLEY A. BOONE 8 United States Magistrate Judge 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28