

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
CALIFORNIA

Sean Reynolds v. McLaren Group, LLC, McLaren Automotive, Inc.,
and Does 1 through 20, inclusive

Reynolds · No. 23cv1928-W-MMP · Decided December 9, 2025

SUMMARY

The United States District Court for the Southern District of California granted McLaren Automotive, Inc.’s motion to dismiss Sean Reynolds’s action for failure to prosecute under Federal Rule of Civil Procedure 41(b). The court found that Reynolds had failed to fulfill discovery obligations, participate in depositions and vehicle inspection, or oppose the dismissal motion. Applying the Ninth Circuit’s five-factor test, the court dismissed the case without prejudice.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Thomas J. Whelan
JURISDICTION	United States District Court for the Southern District of California
DECIDED	December 9, 2025
DOCKET	23cv1928-W-MMP
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 41(b) to dismiss the action for failure to prosecute. The court granted the motion and dismissed the case without prejudice.
STANDARD OF REVIEW	Dismissal for failure to prosecute under Federal Rule of Civil Procedure 41(b) requires weighing the five Henderson factors: the public interest in expeditious resolution, the court's need to manage its docket, the risk of prejudice to defendants, the public policy favoring disposition on the merits, and the availability of less drastic sanctions.
PRECEDENTIAL VALUE	Unpublished federal district court order; precedential status not stated in the opinion.

TOPICS

- motions to dismiss
- civil procedure
- discovery dispute
- commercial litigation
- consumer protection

PRACTICE AREAS

civil procedure

commercial litigation

consumer protection

QUESTIONS PRESENTED

1. Whether the action should be dismissed under Federal Rule of Civil Procedure 41(b) for plaintiff's failure to prosecute and comply with discovery obligations.
2. Whether dismissal without prejudice is the least drastic sanction adequate to address plaintiff's failure to prosecute.

HOLDINGS

1. Dismissal was warranted because the applicable factors, considered together, favored dismissal: the court's docket-management interests and the risk of prejudice to defendant favored dismissal; the public-interest factor was neutral; the merits-resolution factor weighed against dismissal but was undermined by plaintiff's failure to advance the case; and plaintiff's nonparticipation demonstrated abandonment.
2. Dismissal should be without prejudice because that disposition was the least drastic sanction adequately addressing plaintiff's failures, and defendant did not demonstrate that a more severe sanction was necessary.

KEY QUOTATIONS

"Dismissal for failure to prosecute, however, is a "harsh penalty and is to be imposed only in extreme circumstances." (2)

FACTUAL BACKGROUND

Plaintiff brought seven claims arising from his purchase of an allegedly defective McLaren vehicle. After removal and partial dismissal of the claims, plaintiff's counsel withdrew because of a breakdown in communication, and substitute counsel later appeared. Plaintiff then failed to fulfill discovery obligations, participate in noticed depositions, provide a date for vehicle inspection, oppose the Rule 41(b) motion, or respond to the notice of failure to oppose.

PROCEDURAL HISTORY

Plaintiff filed suit in San Diego Superior Court concerning an allegedly defective McLaren vehicle, and McLaren Automotive, Inc. removed the case to federal court. The court previously dismissed four claims without leave to amend and denied remand. After plaintiff's counsel withdrew, plaintiff obtained substitute counsel, but plaintiff failed to fulfill discovery obligations, participate in noticed depositions, provide a date for vehicle inspection, oppose the Rule 41(b) motion, or respond to the notice of failure to oppose.

DISPOSITION

dismissed

CASES CITED

- Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir. 1986)
- Hernandez v. City of El Monte, 138 F.3d 393, 400-01 (9th Cir. 1998)
- Owens v. Kaiser Found. Health Plan, Inc., 244 F.3d 708, 714 (9th Cir. 2001)

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