

UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA

Mimi Kim v. Ford Motor Company

Kim v. Ford Motor Co. · No. CV 25-4161 PVC · Decided September 9, 2025

SUMMARY

The United States District Court for the Central District of California dismissed Mimi Kim’s removed action against Ford Motor Company with prejudice under Federal Rule of Civil Procedure 41(b). The court found that Kim failed to file the required ADR 01 form or respond to an order to show cause, despite explicit warnings. Weighing the relevant dismissal factors, the court concluded that dismissal was warranted for failure to prosecute and obey court orders.

CASE DETAILS

COURT	United States District Court for the Central District of California
WRITING FOR THE COURT	Pedro V. Castillo
JURISDICTION	United States District Court for the Central District of California
DECIDED	September 9, 2025
DOCKET	CV 25-4161 PVC
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff's removed civil action was dismissed sua sponte with prejudice under Federal Rule of Civil Procedure 41(b) for failure to prosecute and obey court orders.
STANDARD OF REVIEW	The court applied the Ninth Circuit's five-factor framework for dismissing an action for failure to prosecute or obey court orders: 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 alternatives.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion; persuasive rather than precedential

TOPICS

- sanctions
- civil procedure
- mediation

PRACTICE AREAS

civil procedure

case management

dismissal for failure to prosecute

QUESTIONS PRESENTED

1. Whether the court could sua sponte dismiss the action under Federal Rule of Civil Procedure 41(b) for Plaintiff's failure to prosecute and obey court orders.
2. Whether dismissal with prejudice was warranted under the applicable five-factor Ninth Circuit test.
3. Whether less drastic alternatives were available and adequate before imposing dismissal.

HOLDINGS

1. A district court may sua sponte dismiss an action under Federal Rule of Civil Procedure 41(b) when a plaintiff fails to prosecute the action or obey court orders.
2. Dismissal with prejudice was warranted because all applicable dismissal factors, except ordinarily the policy favoring disposition on the merits, favored dismissal, and Plaintiff's repeated noncompliance outweighed that policy.
3. The dismissal operates as an adjudication on the merits because none of the Rule 41(b) exceptions applies.

KEY QUOTATIONS

"Federal Rule of Civil Procedure 41(b) grants district courts the authority to dismiss actions sua sponte for failure to prosecute or obey court orders." (at 2)

"However, "because ... public policy favors disposition of cases on their merits," "dismissal is a harsh penalty and is to be imposed only in extreme circumstances."" (at 2)

"Unreasonable delay is the foundation upon which a court may presume prejudice." (at 3)

"The district court need not exhaust every sanction short of dismissal before finally dismissing a case[] but must explore possible and meaningful alternatives." (at 3)

FACTUAL BACKGROUND

Plaintiff filed claims for breach of express warranty, breach of the implied warranty of merchantability, and violation of California Civil Code § 1793.2(b). After removal, the court ordered the parties to file Form ADR 01 requesting their joint selection of an ADR procedure by July 14, 2025, and later reminded them that the form was overdue. Plaintiff did not file the form or explain her inability to do so, and she also failed to respond to an order to show cause expressly warning that the action would be dismissed with prejudice.

PROCEDURAL HISTORY

Plaintiff filed the action in Los Angeles County Superior Court alleging warranty and California consumer-protection claims. Defendant answered and removed the action to federal court based on diversity jurisdiction. After Plaintiff failed to file a jointly selected ADR procedure form as required by the scheduling order, the court

issued an order to show cause warning that failure to respond would result in dismissal. Plaintiff did not respond, and the court dismissed the action with prejudice.

DISPOSITION

dismissed

CASES CITED

- Link v. Wabash R.R., 370 U.S. 626, 629–31 (1962)
- Arellano v. Hodge, No. 314CV00590RBMJLB, 2024 WL 1298066, at *5 (S.D. Cal. Mar. 25, 2024)
- Henderson v. Duncan, 779 F.2d 1421, 1423–24 (9th Cir. 1986)
- Stewart v. U.S. Bancorp, 297 F.3d 953, 956 (9th Cir. 2002)
- Blixseth v. Credit Suisse, 961 F.3d 1074, 1080 (9th Cir. 2020)
- Quintara Biosciences, Inc. v. Ruifeng Biztech, Inc., 2025 WL 2315671, at *6 (9th Cir. Aug. 12, 2025)
- Ash v. Cvetkov, 739 F.2d 493, 496–97 (9th Cir. 1984)
- Southwest Marine Inc. v. Danzig, 217 F.3d 1128, 1138 (9th Cir. 2000)
- Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002)
- Yourish v. California Amplifier, 191 F.3d 983, 991–92 (9th Cir. 1999)
- Morris v. Morgan Stanley & Co., 942 F.2d 648, 652 (9th Cir. 1991)