



Bernal v. Graham Packaging Pet Technologies Inc. et al

2021 | Cited 0 times | E.D. California | May 28, 2021

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

On May 27, 2021, the parties filed a joint stipulation to dismiss this matter. See Doc. No. 20. The stipulation provides that all purely individual capacity claims of Plaintiff Bernal be dismissed with prejudice, and all other claims be dismissed without prejudice. See *id.* The stipulation is signed by all parties and invokes Federal Rule of Civil Procedure 41(a)(1)(A)(ii). Rule 41(a)(1), in relevant part, reads:

(A) . . . the plaintiff may dismiss an action without a court order by filing: (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared. . . . (B) Unless the notice or stipulation states otherwise, the dismissal is without prejudice. Dismissals under Rule 41(a)(1)(A), when properly filed, are effective immediately and do not require a court order/court approval. See Fed. R. Civ. P. 41(a)(1); *Yesh Music v. Lakewood Church*, 727 F.3d 356, 362 (5th Cir. 2013); *Commercial Space Mgmt. Co. v. Boeing Co.*, 193 F.3d SUAVECITA BERNAL, individually and on behalf of other members of the general public similarly situated,

Plaintiffs v. GRAHAM PACKAGING PET TECHNOLOGIES, INC., et al.,

Defendants

CASE NO. 1:20-CV-1045 AWI EPG ORDER CLOSING CASE IN LIGHT OF STIPULATION FOR DISMISSAL

(Doc. No. 20) 1074, 1077 (9th Cir. 1999); *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997); *In re Wolf*, 842 F.2d 464, 466 (D.C. Cir. 1989).

Here, because all appearing parties have signed the stipulated dismissal, this case has terminated automatically. See Fed. R. Civ. P. 41(a)(1)(A); *Yesh Music*, 727 F.3d at 362; *Commercial Space*, 193 F.3d at 1077. The individual claims of Plaintiff Bernal have terminated with prejudice and all other claims have terminated without prejudice. The Court will order the Clerk to close this case in light of the automatic termination effected through the parties stipulation. Therefore, IT IS HEREBY ORDERED that the Clerk is to CLOSE this case in light of the stipulation of dismissal with the individual claims of Plaintiff Bernal being dismissed with prejudice and all other claims being dismissed without prejudice (Doc. No. 20).



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IT IS SO ORDERED. Dated: May 28, 2021 SENIOR DISTRICT JUDGE

