

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	CV 13-578-GHK (MRWx)	Date	March 8, 2013
Title	<i>Keith Gilabert v. Ann C. Logue, et al.</i>		

**Presiding: The Honorable**

**GEORGE H. KING, CHIEF U. S. DISTRICT JUDGE**

Beatrice Herrera	N/A	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.

Attorneys Present for Plaintiffs:

None

Attorneys Present for Defendants:

None

**Proceedings: (In Chambers) Order re: Notice of Voluntary Dismissal**

On February 22, 2013, Plaintiff Keith Gilabert (“Plaintiff”) filed a Notice of Voluntary Dismissal (“Notice”), which purports to voluntarily dismiss all Defendants without prejudice. [Dkt. No. 14]. Under Federal Rule of Civil Procedure 41, “the plaintiff may dismiss an action without a court order by filing . . . a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. Proc. 41(a)(1)(A)(i). Here, Defendant Ann C. Logue (“Logue”) served an answer on January 30, 2012, nearly a month before Plaintiff filed his Notice. No other Defendant has answered or filed a motion for summary judgment. Accordingly, Plaintiff’s Notice is ineffective to the extent it purports to voluntarily dismiss Logue, and this action is not dismissed as to her. Plaintiff’s voluntary dismissal of all other Defendants **STANDS**. Accordingly, Plaintiff **SHALL** timely file, as the local rules prescribe, any opposition to Logue’s Motion to Strike as SLAPP action, failing which it shall be deemed Plaintiff’s consent to the granting of the relief sought in such motion. See L.Rs. 7-9; 7-12.

**IT IS SO ORDERED.**

Initials of Deputy Clerk

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