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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JAMES CARTER, an individual, and
ANASTASIA DUBOSHINA, individually
and as successor in interest to the estate of
Nico James Carter,

Plaintiffs,

v.

HYATT HOTELS CORPORATION;
HYATT CORPORATION; PLAYA
HOTELS AND RESORTS, N.V.;
PLAYA RESORTS MANAGEMENT,
LLC; PLAYA MANAGEMENT USA,
LLC; and DOES 1 through 100,

Defendants.

Case No. 23-cv-1838-BAS-AHG

**ORDER GRANTING PARTIES’
JOINT MOTION TO DISMISS
(ECF No. 13)**

On January 30, 2024, Plaintiffs, James Carter and Anastasia Duboshina, individually and as Successors in Interest to the Estate of Nico James Carter (“Plaintiffs”); and defendants Hyatt Hotels Corporation; Hyatt Corporation; Playa Resorts Management, LLC and Playa Management USA, LLC (“Defendants”) filed a joint motion to dismiss all defendants and the above-captioned action in its entirety with prejudice. (ECF No. 13) (the “Motion”).


Under Rule 41(a)(1)(A), a plaintiff has an absolute right to voluntarily dismiss his

1 action by (1) filing a notice of voluntary dismissal before a defendant has filed an answer
2 or moved for summary judgment, *see* Rule 41(a)(1)(A)(i), or (2) filing a stipulation of
3 dismissal signed by all parties who have appeared, *see* Rule 41(a)(1)(A)(ii). *See also*
4 *Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997). Dismissal pursuant to Rule
5 41(a)(1)(A)(ii) is effective upon the filing of a compliant notice or stipulation. No court
6 order is required. *See Stone v. Woodford*, CIV-F-05-845 AWI-DLB, 2007 WL 527766
7 (E.D. Cal. Feb. 16, 2007). Nonetheless, the local civil rules of this district require that
8 where, as here, litigants seek voluntary dismissal by filing a signed stipulation pursuant to
9 Rule 41(a)(1)(A)(ii), such a stipulation must be filed as a joint motion.¹

10 The Court, having considered the Motion, and for good cause shown, hereby
11 **GRANTS** the Motion. The above-captioned action is hereby dismissed in its entirety, as
12 to all defendants, with prejudice, with each party to bear its own attorneys' fees and costs.
13 The Clerk shall close the case.

14 **IT IS SO ORDERED.**

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16 **DATED: February 12, 2024**


Hon. Cynthia Bashant
United States District Judge

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¹ *See* Electronic Case Filing Administrative Policies and Procedures Manual, United States District Court
for the Southern District of California.