

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

TELESCOPE MEDIA GROUP, a
Minnesota corporation, CARL
LARSEN and ANGEL LARSEN,
the founders and owners of
TELESCOPE MEDIA GROUP,

Plaintiffs,

vs.

REBECCA LUCERO, in her official
capacity as Commissioner of the
Minnesota Department of Human
Rights, and KEITH ELLISON, in
his official capacity as Attorney
General of Minnesota,

Defendants.

Case No. 0:16-cv-04094-JRT-LIB

Chief Judge John R. Tunheim

Magistrate Judge Leo I. Brisbois

**PLAINTIFFS' MOTION FOR VOLUNTARY DISMISSAL WITH
PREJUDICE UNDER FED. R. CIV. P. 41(a)(2)**

Plaintiffs Telescope Media Group and Carl and Angel Larsen move to dismiss this action under Federal Rule of Civil Procedure 41(a)(2).

1. As with many others in live-event production, Plaintiffs have suffered unique business pressures during the COVID-19 pandemic, resulting in a stark downturn in business opportunities in the wedding field.

2. In response to these pressures, Plaintiffs have stopped creating wedding films, are no longer soliciting wedding film requests, and have taken down the portions of their website dedicated to their wedding business.

3. Plaintiffs are now exploring new business opportunities outside the wedding field, which may require Plaintiffs to move out of Minnesota.

4. Plaintiffs cannot proceed with this suit because of circumstances outside their control.

5. Courts generally do not force plaintiffs to litigate cases unless the defendant will suffer some plain legal prejudice as a result of the dismissal. *Hoffmann v. Alside, Inc.*, 596 F.2d 822, 823 (8th Cir. 1979); see *Hamilton v. Firestone Tire & Rubber Co., Inc.*, 679 F.2d 143, 145 (9th Cir. 1982).

6. Defendants will not suffer plain legal prejudice if this Court allows plaintiffs to voluntarily dismiss their suit *with prejudice*.

7. In fact, courts typically do not find plain legal prejudice when plaintiffs seek to voluntarily dismiss suits *without prejudice* even after the parties have spent “a significant amount of time and effort on the litigation,” *LaFontaine v. Grandlienard*, No. 13-2609(DSD/JJK), 2014 WL 7338777, at *2 (D. Minn. Dec. 22, 2014)—and even after a trial begins, see, e.g., *Kern v. TXO Prod. Corp.*, 738 F.2d 968, 971 (8th Cir. 1984).

6. Plaintiffs sought to stipulate dismissal with Defendants under Rule 41(a)(1)(ii), but the parties could not agree to terms.

Plaintiffs therefore request that this Court unconditionally dismiss this action *with prejudice*, under Federal Rule of Civil Procedure 41(a)(2), as to all claims, causes of action, and parties, leaving nothing more to be resolved in this case, with each party bearing their own costs and attorneys’ fees.

Dated: December 18, 2020

Respectfully submitted,

/s/ Jeremy D. Tedesco

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CERTIFICATE OF SERVICE

I certify that the foregoing was filed with the Clerk of the Court using the CM-ECF system, which provides an electronic copy of this document to the following:

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This 18th day of December, 2020

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