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BY ECF

The Honorable Arun Subramanian, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Olohan v. Google LLC et al.; No. 22-cv-10163-AS

Dear Judge Subramanian:

I represent Plaintiff Ryan Olohan and write to inform the Court that following the parties' second mediation, a settlement has been reached in resolution of all claims against Defendants Google LLC and Tiffany Miller. Mr. Olohan and Google accordingly request that the action be dismissed with prejudice under Fed. R. Civ. P. 41(a)(2). Ms. Miller has declined to stipulate to dismissal, necessitating this request.

Courts generally “presume that a party’s motion to dismiss its own claims without prejudice should be granted.” *Marquez v. Hoffman*, No. 18-CV-7315, 2020 WL 729664, at *3 (S.D.N.Y. Feb. 13, 2020) (quoting *Parker v. Tougher Industries, Inc.*, No. 6-CV-400, 2013 WL 316389, at *1 (N.D.N.Y. Jan. 28, 2013)). The same presumption applies to requests for dismissal with prejudice. *See Koller-Gurgigno v. City of Yonkers*, No. 18-CV-98, 2021 WL 431144, at *3 n.2 (S.D.N.Y. Feb. 8, 2021) (“[I]t is exceedingly rare for such requested relief to be opposed. Nevertheless, the Court has no reason to doubt that it is afforded the same discretion when deciding whether to grant a plaintiff’s motion to withdraw a claim with prejudice.”).

Where, as here, there are no counterclaims or potential prejudice to the opposing party, courts routinely grant dismissal. *See, e.g., Fareportal Inc. v. Travana, Inc.*, No. 16-CV-09882, 2019 WL 4141878, at *2 (S.D.N.Y. Aug. 30, 2019) (granting motion to dismiss under Fed. R. Civ. P. 41(a)(2) where individual defendant refused to stipulate or consent to dismissal).

For these reasons, we request that the Court enter an order dismissing this action with prejudice against all defendants under Fed. R. Civ. P. 41(a)(2).

Respectfully submitted,

/s/ Alex Rissmiller
Alex Rissmiller

cc: Counsel of record (via ECF)