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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LA ALLIANCE FOR HUMAN
RIGHTS, *et al.*,

Plaintiffs,

v.

CITY OF LOS ANGELES, *et al.*,

Defendants.

CASE NO. 2:20-CV-02291-DOC-KES

Assigned to Judge David O. Carter

**STIPULATION FOR VOLUNTARY
DISMISSAL WITH PREJUDICE
PURSUANT TO FEDERAL RULE
OF CIVIL PROCEDURE 41(a)(2)**

STIPULATION FOR VOLUNTARY DISMISSAL WITH PREJUDICE
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41(a)(2)

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1 **TO THE COURT, ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF**
 2 **RECORD:**

3 **PLEASE TAKE NOTICE** that Plaintiffs LA Alliance for Human Rights,
 4 Joseph Burk, Harry Tashdjian, Wenzial Jarrell, Karen Pinsky, Charles Malow, and
 5 George Frem (“Plaintiffs”) and Defendant County of Los Angeles (“County”) have
 6 reached a settlement in the above-captioned case. Pursuant to Federal Rule of Civil
 7 Procedure 41(a)(2), Plaintiffs hereby request an order dismissing this action against
 8 the County with regard to all claims in their entirety, with prejudice, and request this
 9 Court retain jurisdiction for purposes of enforcing their agreement until the end of
 10 fiscal year 2026/2027 (*i.e.*, June 30, 2027). A copy of the settlement agreement is
 11 attached hereto as **Exhibit 1**.

12 Rule 41(a)(2) permits a plaintiff to seek a voluntary dismissal by court order if
 13 dismissal is no longer available as of right under Rule 41(a)(1)(A)(i). Because the
 14 County has served an answer [Dkt. 320], a court order is required for Plaintiffs to
 15 dismiss their claims against the County. *See* Fed. R. Civ. P. 41(a)(1) (a “plaintiff may
 16 dismiss an action without a court order by filing . . . a notice of dismissal before the
 17 opposing party serves either an answer” or “a stipulation of dismissal signed by all
 18 parties who have appeared”).¹ A request for voluntary dismissal should be denied
 19 only when the defendant will suffer “plain legal prejudice.” *Waller v. Financial*
 20 *Corp. of Am.*, 828 F.2d 579, 583 (9th Cir. 1987). The County will suffer no legal
 21 prejudice because the County consents to Plaintiffs’ request for dismissal, which is
 22 submitted by Plaintiffs as a condition of the settlement reached between the County
 23 and Plaintiffs.

24 Rule 41(a)(2) provides that the trial court may impose terms and conditions on
 25 an order of voluntary dismissal. Fed. R. Civ. P. 41(a)(2). The purpose of this rule is

26 _____
 27
 28 ¹ The parties are also unable to obtain consent to a stipulated dismissal from
 Gary Whitter, who has been incommunicable for months, as explained in Plaintiffs’
 counsel’s July 11, 2022 *Ex Parte* Application to Withdraw as Counsel. [Dkt. 450.]

1 to protect the defendant from prejudice. *See Cross v. Westchester Dev. Corp. V*
 2 *Chiulli*, 887 F.2d 431, 432 (2nd Cir. 1989); *McCall-Bey v. Franzen*, 777 F.2d 1178,
 3 1183-84 (7th Cir. 1985). Because the County will not be prejudiced in any way by
 4 the requested order, there is no need to impose any conditions to the order granting
 5 dismissal. Moreover, the parties' settlement agreement provides for the allocation of
 6 costs and attorneys' fees.

7 CONCLUSION

8 For the foregoing reasons, Plaintiffs and the County respectfully request that
 9 the Court enter an order dismissing Plaintiffs' claims against the County with
 10 prejudice and retaining jurisdiction for purposes of enforcing their agreement until
 11 the end of fiscal year 2026/2027 (*i.e.*, June 30, 2027).

12
 13 Dated: October 17, 2022

Respectfully submitted,

14
 15 /s/ Elizabeth A. Mitchell

16 SPERTUS, LANDES & UMHOFFER, LLP
 Elizabeth A. Mitchell

17 *Attorneys for Plaintiffs*

18 *The other signatories listed, and on whose behalf the*
 19 *filing is submitted, concur in the filing's content and*
 20 *have authorized the filing.*

21 Dated: October 17, 2022

/s/ Louis R. Miller

22 MILLER | BARONDESS LLP
 Mira Hashmall

23 *Attorneys for Defendant County of Los Angeles*