

1 LEXINGTON LAW GROUP
Mark N. Todzo, State Bar No. 168389
2 Meredyth Mellow, State Bar No. 328337
503 Divisadero Street
3 San Francisco, CA 94117
Telephone: (415) 913-7800
4 Facsimile: (415) 759-4112
mtodzo@lexlawgroup.com
5 mmerrow@lexlawgroup.com

6 Attorneys for Plaintiff
RICK NGUYEN

7
8 **UNITED STATES DISTRICT COURT**
9 **NORTHERN DISTRICT OF CALIFORNIA**
10

11
12 RICK NGUYEN,

13 Plaintiff,

14 v.

15 AMAZON.COM, INC.,

16 Defendant.
17

Case No. 4:20-cv-04042-YGR

**ORDER GRANTING
ADMINISTRATIVE MOTION FOR
DISMISSAL WITHOUT PREJUDICE;
DECLARATION OF MARK TODZO;
~~PROPOSED~~ ORDER**

[F.R.C.P. 41(a)(2); Civ. L.R. 7-11]

1 Pursuant to Federal Rule of Civil Procedure 41(a)(2), counsel for Plaintiff Rick Nguyen
2 (“Plaintiff”) hereby requests that this Court dismiss Plaintiff’s complaint, filed June 17, 2020,
3 without prejudice. Defendant has not yet served either an answer or a motion for summary
4 judgment. Accordingly, Plaintiff could and would ordinarily dismiss this action voluntarily
5 pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i). However, as described below, Plaintiff’s counsel has
6 been unable to communicate with Plaintiff for over three months and is therefore seeking
7 dismissal pursuant to Rule 41(a)(2) instead. This motion is unopposed by Defendant Amazon.com
8 (“Defendant”).

9 On April 20, 2020, Plaintiff retained Lexington Law Group (“LLG”) to represent him and
10 a class of similarly situated individuals in this matter. The complaint was filed on June 17, 2020.
11 On or about August 7, 2020, Plaintiff ceased communications with his counsel. Between August
12 7, 2020 and November 24, 2020, counsel for Plaintiff attempted to reach Plaintiff dozens of times
13 by telephone, email and text message, but received no response from Plaintiff. During this time,
14 counsel for Plaintiff and counsel for Defendant communicated regularly regarding the status of
15 this case. Counsel for the parties extended various deadlines to allow Plaintiff’s counsel the
16 opportunity to communicate with Plaintiff, but those efforts failed. On November 18, 2020,
17 Plaintiff was informed that his counsel was going to dismiss the action due to Plaintiff’s lack of
18 communication. Plaintiff’s counsel requested that Plaintiff confirm his agreement to the
19 dismissal, but Plaintiff did not respond.

20 Counsel for both parties agree that this case should be dismissed without prejudice so as
21 not to hinder the interests of either Plaintiff or a future potential class.

22 Dated: November 25, 2020

LEXINGTON LAW GROUP

23
24
25 */s/ Mark Todzo*

Mark N. Todzo
Attorney for Plaintiff