

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

ELIZABETH HICKS, an individual on  
behalf of herself and all others similarly  
situated and the general public,  
Plaintiff,

v.

GRIMMWAY ENTERPRISES, INC.,  
a corporation with headquarters in  
California; and DOES 1–100, inclusive,  
Defendants.

Case No.: 22-CV-2038 JLS (DDL)

**ORDER APPROVING JOINT  
STIPULATION**

(ECF No. 70)

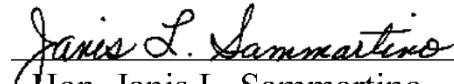
Presently before the Court is the Parties’ Stipulated Dismissal with Prejudice (“Stip., ECF No. 70). The Parties indicate that they have stipulated to dismiss Plaintiff’s individual claims with prejudice and the putative class claims without prejudice. Stip. at 2. They request that the Court retain jurisdiction of this action in the event either Party need resort to litigation to enforce their settlement. *Id.*

As no class has been certified in this putative class action, the Parties may dismiss Plaintiff’s individual claims under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) without running afoul of Rule 23. *See Dougan v. Centerplate, Inc.*, No. 22-CV-1496 JLS (SBC), 2023 WL 8604152, at \*4 (S.D. Cal. Dec. 12, 2023). Good cause appearing, the Court

1 therefore **APPROVES** the Parties' Stipulation and **DISMISSES** Plaintiff's individual  
2 claims **WITH PREJUDICE** and the claims of the putative class **WITHOUT**  
3 **PREJUDICE**. As stated in the Stipulation, each Party shall bear their own costs,  
4 attorney's fees, and expense. Stip at 2. Moreover, the Court will retain jurisdiction over  
5 this action for purposes of enforcing the Parties' settlement agreement. As this concludes  
6 the litigation in this matter, the Clerk of the Court **SHALL CLOSE** the file.

7 **IT IS SO ORDERED.**

8 Dated: May 24, 2024

  
Hon. Janis L. Sammartino  
United States District Judge