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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

MACY MERRELL, individually, and on behalf
of all others similarly situated,

Plaintiff,

v.

FLORIDA CRYSTALS CORP. and FANJUL
CORP.,

Defendants.

Case No. 5:25-cv-02264-SVK

Hon. Susan van Keulen

**NOTICE OF VOLUNTARY DISMISSAL
WITHOUT PREJUDICE AS TO
DEFENDANT FANJUL CORP.**

Complaint Filed: March 5, 2025

First Amended Complaint Filed: June 12, 2025

TO THE COURT, THE PARTIES, AND ALL COUNSEL OF RECORD:

Please take notice that pursuant to Federal Rule of Civil Procedure 41, Plaintiff Macy Merrell voluntarily dismisses Defendant Fanjul Corp. (and only Defendant Fanjul Corp.) from this action without prejudice. Defendant Fanjul Corp. has neither served an answer nor a motion for summary judgment in this action. *See* Fed. R. Civ. P. 41(a)(1)(A)(i) (a plaintiff may

1 voluntarily dismiss an action without a court order by filing “a notice of dismissal before the
 2 opposing party serves either an answer or a motion for summary judgment”); *see also Wilson v.*
 3 *City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997) (in a multi-party action, a plaintiff “may
 4 dismiss some or all of the defendants . . . through a Rule 41(a)(1) notice”) (*citing Pedrina v.*
 5 *Chun*, 987 F.2d 608, 609–10 (9th Cir.1993) and *Concha v. London*, 62 F.3d 1493, 1506 (9th
 6 Cir.1995)). Plaintiff accordingly notices the voluntary dismissal of Defendant Fanjul Corp. from
 7 this action without prejudice. *See* Fed. R. Civ. P. 41(a)(1)(B) (grounds for voluntarily dismissal
 8 without prejudice present).

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 10 Dated: August 20, 2025

Respectfully submitted,

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 12 /s/ Ben Fuchs

Benjamin J. Fuchs, Esq.

13 **LAW OFFICE OF BENJAMIN J. FUCHS**

14 Chris Nidel, Esq. (*Pro Hac Vice Forthcoming*)

15 April Strauss, Esq.

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16 *Attorneys for Plaintiff*
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