

1 THE BERKMAN LAW OFFICE, LLC
2 ROBERT J. TOLCHIN
3 *Admitted Pro Hac Vice*
4 111 Livingston Street, Suite 1928
5 Brooklyn, New York 11201
6 718-855-3627
7 Email: rtolchin@berkmanlaw.com

8 WEINSTOCK MANION, A Law Corporation
9 DIANE Y. PARK (SBN 222354)
10 1875 Century Park East, Suite 2000
11 Los Angeles, California 90067
12 (310) 553-8844 • Fax (310) 553-5165
13 Email: dpark@weinstocklaw.com

14 Attorneys for Nominal Defendant BEATRIZ
15 GONZALEZ, Individually and as Administrator
16 of the Estate of Nohemi Gonzalez

17 **UNITED STATES DISTRICT COURT**
18 **NORTHERN DISTRICT OF CALIFORNIA**

19 ----- X
20 REYNALDO GONZALEZ, INDIVIDUALLY & AS
21 SUCCESSOR-IN-INTEREST OF THE ESTATE OF
22 NOHEMI GONZALEZ,
23
24 Plaintiffs,
25
26 -against-
27
28 TWITTER, INC., GOOGLE, INC., FACEBOOK, INC. &
29 BEATRIZ GONZALEZ,
30
31 Defendants.

Case No:
4:16-CV-3282(DMR)

NOTICE OF DISMISSAL BY
THE ESTATE OF NOHEMI
GONZALEZ WITHOUT
PREJUDICE, PURSUANT
TO F.R.C.P. 41(a)(1)(A)(i), AS
AGAINST DEFENDANTS
TWITTER, FACEBOOK
AND GONZALEZ

Hon. Donna M. Ryu

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NOTICE OF DISMISSAL BY THE ESTATE OF NOHEMI GONZALEZ WITHOUT
PREJUDICE, PURSUANT TO F.R.C.P. 41(a)(1)(A)(i), AS AGAINST DEFENDANTS
TWITTER, FACEBOOK AND GONZALEZ

NOTICE OF DISMISSAL

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Beatriz Gonzalez, in her capacity as court-appointed Administrator¹ of the Estate of Nohemi Gonzalez, deceased (“Estate”), hereby voluntarily dismisses the claims asserted in this action on behalf of the Estate, as against the defendants Twitter, Inc., Facebook, Inc. and Beatriz Gonzalez, individually, without prejudice.²

Dated: Brooklyn, New York
February 2, 2017

Respectfully submitted,

THE BERKMAN LAW OFFICE, LLC
Attorneys for the Plaintiff

by: /s/ Robert J. Tolchin
Robert J. Tolchin
(Admitted pro hac vice)

111 Livingston Street, Suite 1928
Brooklyn, New York 11201
718-855-3627
rtolchin@berkmanlaw.com

and

¹ Letters of Administration for the Estate of Nohemi Gonzalez, deceased were issued to Beatriz Gonzalez by the Superior Court of California, County of Los Angeles on January 25, 2017 and received by counsel on January 30, 2017. (Exhibit A).

² Rule 41(a)(1)(A)(i) allows Plaintiff to dismiss by notice, without prejudice, since no answer or motion for summary judgment has been served by the Defendants. *See Pedrina v. Chun*, 987 F.2d 608, 610 (9th Cir. 1993) (“The language of Rule 41(a)(1) is unequivocal. It permits a plaintiff to dismiss an action ‘without order of court’.... The filing of notice itself closes the file. There is nothing the defendant can do to fan the ashes of that action into life and the court has no role to play. This is a matter of right running to the plaintiff and may not be extinguished or circumscribed by adversary or court. There is not even a perfunctory order of court closing the file. Its alpha and omega [is] the doing of the plaintiff alone. He suffers no impairment beyond his fee for filing.” (Internal citations and brackets omitted.)

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WEINSTOCK MANION, A Law Corporation
Local counsel for Plaintiff
Diane Park, Esq.
1875 Century Park East, Suite 2000
Los Angeles, California 90067
(310) 553-8844

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