David A. Carroll, Esq. (NSB #7643)
dcarroll@rrsc-law.com
Anthony J. DiRaimondo, Esq. (NSB #10875)
adiraimondo@rrsc-law.com
Robert E. Opdyke, Esq. (NSB #12841)
ropdyke@rrsc-law.com
RICE REUTHER SULLIVAN & CARROLL, LLC
3800 Howard Hughes Parkway, Suite 1200
Las Vegas, Nevada 89169
Telephone: (702) 732-9099
Facsimile: (702) 732-7110

Craig A. Boneau, Esq. (*pro hac vice*)
cboneau@rctlegal.com
Ryan M. Goldstein, Esq. (*pro hac vice*)
rgoldstein@rctlegal.com
Scott Saldaña, Esq. (*pro hac vice*)
ssaldana@rctlegal.com
REID COLLINS & TSAI LLP
1301 S. Capital of Texas Hwy
Building C, Suite 300
Austin, Texas 78746
Telephone: (512) 647-6100
Facsimile: (512) 647-6129
Attorneys for Robert M. Glen

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ROBERT M. GLEN, Plaintiff, vs. TRAVELSCAPE LLC D/B/A TRAVELOCITY, Defendant.	Case No. 2:19-CV-01683-GMN-NJK

UNOPPOSED MOTION TO DISMISS WITHOUT PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiff Robert M. Glen ("**Plaintiff**") hereby moves, with the consent of Defendant, for a court order dismissing this action without prejudice. In support of this motion, Plaintiff states as follows.

MEMORANDUM OF POINTS AND AUTHORITIES

Plaintiff originally filed claims against various Expedia affiliates (the "**Expedia**

Defendants"), including the Defendant named in this action, in three courts: the District of Nevada, the Western District of Washington (*Glen v. Expedia, Inc. et al.*, No. 19-CV-1538), and the District of Delaware (*Glen v. TripAdvisor LLC et al.*, No. 19-CV-1908).

Following Plaintiff's initiation of the three actions, Plaintiff and the Expedia Defendants agreed to consolidate all of Plaintiff's claims against the Expedia Defendants in the Delaware action, with the Expedia Defendants agreeing to waive any jurisdictional defenses to proceeding in Delaware and Plaintiff agreeing to dismiss the Western District of Washington and Nevada actions without prejudice. On December 9, 2019, Plaintiff filed an amended and consolidated complaint in the Delaware action, naming each of the Expedia Defendants, including the Defendant named in this action.

This action is now duplicative of the consolidated Delaware action. Although Plaintiff may notice the dismissal of this action as of right under Federal Rule of Civil Procedure 41(a)(1)(i) (as Defendant has not yet appeared or answered), he seeks a court order dismissing the case pursuant to Federal Rule of Civil Procedure 41(a)(2) in order to ensure that any dismissal of this action is without prejudice and not later treated as an adjudication on the merits under Federal Rule of Civil Procedure 41(a)(1)(B).

Given the parties' agreement to consolidate the claims in the Delaware action and the lack of any prejudice to Defendant, an order dismissing this action without prejudice would be just and proper. *See Stevedoring Servs. of Am. v. Armilla Int'l B.V.*, 889 F.2d 919, 921 (9th Cir. 1989) ("A motion for voluntary dismissal under Rule 41(a)(2) is addressed to the district court's sound discretion . . . . The purpose of the rule is to permit a plaintiff to dismiss an action without prejudice so long as the defendant will not be prejudiced, or unfairly affected by dismissal." (internal citation omitted)). Plaintiff is also authorized to represent that Defendant is unopposed to the relief requested herein.

DATED: December 16, 2019.

Respectfully submitted,

/s/ Anthony J. DiRaimondo
David A. Carroll, Esq. (NSB #7643)
dcarroll@rrsc-law.com
Anthony J. DiRaimondo, Esq. (NSB #10875)
adiraimondo@rrsc-law.com
Robert E. Opdyke, Esq. (NSB #12841)
ropdyke@rrsc-law.com
RICE REUTHER SULLIVAN & CARROLL, LLP
3800 Howard Hughes Parkway, Suite 1200
Las Vegas, Nevada 89169
T: (702) 732-9099
F: (702) 732-7110

-and-

Craig A. Boneau (*pro hac vice*)
cboneau@rctlegal.com
Ryan M. Goldstein (*pro hac vice*)
rgoldstein@rctlegal.com
Scott Saldaña (*pro hac vice*)
ssaldana@rctlegal.com
REID COLLINS & TSAI LLP
1301 S. Capital of Texas Hwy
Building C, Suite 300
Austin, Texas 78746
T: (512) 647-6100
F: (512) 647-6129

Attorneys for Robert M. Glen

IT IS SO ORDERED: _____
United States District Judge

DATED: December __, 2019