

HONORABLE JOHN ERLICK
Trial Date: March 12, 2018
Consideration Date: February 23, 2018
Without Oral Argument

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

JODY E. RATCLIFF,

Plaintiff,

vs.

AMERICAN HONDA MOTOR CO. INC., *et al.*,

Defendants.

NO. 16-2-18128-7 SEA

PLAINTIFF'S MOTION TO
DISMISS JOHNSON & JOHNSON
AND JOHNSON & JOHNSON
CONSUMER INC. WITH
PREJUDICE AND WITHOUT
COSTS OR FEES

I. RELIEF REQUESTED

Pursuant to CR 41, plaintiff respectfully requests that the Court dismiss defendants JOHNSON & JOHNSON ("J&J") and JOHNSON & JOHNSON CONSUMER INC. ("JJCI") with prejudice and without costs or fees to any party..

II. RELEVANT FACTS AND PROCEDURAL HISTORY

1. Plaintiff's complaint in this matter was filed on July 29, 2016. J&J and JJCI were named as defendants.

2. Neither J&J nor JJCI have filed counterclaims against plaintiff.

III. ARGUMENT AND AUTHORITY

CR 41 allows for the voluntary dismissal of actions, and plaintiff's right to dismiss a defendant pursuant thereto is absolute and involves no element of discretion by the trial court. *See, e.g.,* CR 41(a)(1)(b); *In re Archer's Estate*, 36 Wash.2d 505 (1950); *McKay v. McKay*, 47

1 Wash.2d 301, 287 P.2d 330 (1955); *Escude ex rel. Escude v. King County Public Hosp. Dist.*
2 *No. 2*, 117 Wash.App. 183, 69 P.3d 895 (2010). Therefore, plaintiff's request should be granted
3 and defendants .

4 **IV. CONCLUSION**

5 In light of the foregoing, and pursuant to CR 41, the Court should grant plaintiff's
6 motion in its entirety and dismiss Johnson & Johnson and Johnson & Johnson Consumer Inc.
7 with prejudice and without costs or fees to any party.

8
9 DATED this 22nd day of February, 2018

10 LANIER LAW FIRM PLLC

11 */s/ Darron Berquist*

12 Darron Berquist
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18 *I hereby certify that this memorandum contains*
19 *197 words in compliance with the Local Civil*
20 *Rules.*

21 And

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