

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

LEONA FAREN,

*

Plaintiff,

*

v.

*

Civil Action No.: EA-23-1270

**ZENIMAX ONLINE STUDIOS, LLC,
et al.,**

*

*

Defendants.

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ORDER

Plaintiff Leona Faren initiated the above-captioned action on May 14, 2023, asserting violations of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1001 *et seq.*, based on the alleged failure of Defendants Zenimax Online Studio, LLC (ZOS) and AP Benefit Advisors, LLC to provide her healthcare continuation coverage and seeking damages, injunctive relief, equitable remedies, and attorneys' fees and costs. ECF No. 1.

On July 21, 2023, ZOS moved to dismiss the Complaint (ECF No. 25) and to file under seal Exhibits A and D to that motion (ECF No. 27).¹ Instead of filing a response to ZOS's motion to dismiss, Ms. Faren filed an Amended Complaint on August 4, 2023. ECF No. 31. On August 18, 2023, ZOS moved to dismiss the Amended Complaint (ECF No. 34) and to file under seal Exhibits A and H to that motion (ECF No. 36).² AP Benefit Advisors, LLC timely filed an Answer to the Amended Complaint on September 11, 2023. ECF No. 38.

¹ Exhibits A and D consist of a confidential separation agreement between Ms. Faren and her former employer, ZeniMax Media Inc., and medical and/or personal health information relating to Ms. Faren.

² Exhibits A and H consist of a confidential separation agreement between Ms. Faren and her former employer, ZeniMax Media Inc., and medical and/or personal health information relating to Ms. Faren.

On January 17, 2024, Ms. Faren filed a notice of voluntary dismissal with prejudice against AP Benefit Advisors, LLC pursuant to Federal Rule of Civil Procedure 41(a). ECF No. 45. Rule 41(a)(1), which governs voluntary dismissal by the plaintiff, provides, in pertinent part, that a plaintiff may voluntarily dismiss an action without a court order by filing: (1) “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment” or (2) “a stipulation of dismissal signed by all parties who have appeared.” Fed. R. Civ. P. 41(a)(1)(A)(i)-(ii). Because AP Benefit Advisors, LLC timely filed an Answer responding to the Amended Complaint in this action, Ms. Faren may not dismiss her claims against AP Benefit Advisors, LLC without a stipulation of dismissal signed by all parties who have appeared or a court order. Fed. R. Civ. P. 41(a)(1)-(2).

Accordingly, it is hereby ORDERED that:

1. Zenimax Online Studio, LLC’s Motion to Dismiss (ECF No. 25) is DENIED as moot;
2. Zenimax Online Studio, LLC’s Motions to Seal (ECF Nos. 27 and 36) are GRANTED; and
3. Ms. Faren shall comply with the provisions of Federal Rule of Civil Procedure 41(a) if she wishes to voluntarily dismiss her claims against AP Benefit Advisors, LLC.

Date: February 7, 2024

_____/s/
Erin Aslan
United States Magistrate Judge