

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1908

Amending Civil Rule 41 and Appellate Rule 511 and adding Notes to implement the direct court rule amendments made by Chapter 6, SLA 2017 (HB 104).

IT IS ORDERED:

1. Civil Rule 41(a) is amended to read as follows:

Rule 41. Dismissal of Actions.

(a) Voluntary Dismissal – Effect Thereof.

(1) *By Plaintiff—By Stipulation.* Subject to the provisions of Rule 23(e), of Rule 66, and of any statute of the state, an action may be dismissed by the plaintiff without an order of the court: (A) by filing a notice of dismissal at any time before service by the adverse party of an answer or of a motion for summary judgment, whichever first occurs; or (B) by filing a stipulation of dismissal signed by all parties who have appeared in the action. Unless otherwise stated in the notice of dismissal or stipulation, the dismissal is without prejudice, except that a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of this state, or of any other state, or in any court of the United States, an action based on or including the same claim.

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2. The following note is added to the end of Civil Rule 41:

Note: Chapter 6, SLA 2017 (HB 104) repeals AS 09.68.130 and its requirements that the Alaska Judicial Council collect information

about certain civil litigation from parties. Section 1 of the act repeals Civil Rule 41(a)(3) and Appellate Rule 511(c) and (e), effective May 11, 2017. Those rule provisions had required compliance with AS 09.68.130. This rule change is adopted for the sole reason that the legislature has mandated the amendment. The added revision to paragraph (a)(1) of Rule 41 is to eliminate its reference to the now rescinded paragraph (a)(3).

3. Appellate Rule 511 is amended to read as follows:

Rule 511. Dismissal of Causes.

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(c) *Voluntary Dismissal by Criminal Defendant.* * * * *

(d) *Mandate Not Required.* * * * *

4. The following note is added to the end of Appellate Rule 511:

Note: Chapter 6, SLA 2017 (HB 104) repeals AS 09.68.130 and its requirements that the Alaska Judicial Council collect information about certain civil litigation from parties. Section 1 of the act repeals Civil Rule 41(a)(3) and Appellate Rule 511(c) and (e), effective May 11, 2017. Those rule provisions had required compliance with AS 09.68.130. This rule change is adopted for the sole reason that the legislature has mandated the amendment.

DATED: June 7, 2017

EFFECTIVE DATE: *nunc pro tunc* May 11, 2017

/s/
Chief Justice Stowers

/s/
Justice Winfree

/s/
Justice Maassen

/s/
Justice Bolger

/s/
Justice Carney