

)	
OLACHUKWU NNADILI, <i>et al.</i>,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 02-1620 (ESH)
)	
CHEVRON U.S.A., INC.,)	
)	
Defendant.)	
)	

Before the Court are three filings by Darrell Johnson, John Dunston, and Ethel Archie purporting to act on behalf of herself, her husband, her daughter Sandra Smith, and her daughter's two minor children. In each pleading, these *pro se* plaintiffs inform the Court of their desire to opt out of any settlement and to be released from litigation without prejudice.¹

The history relating to these *pro se* plaintiffs can be summarized briefly. First, Ethel Archie was terminated as a party as early as February 3, 2003, so she has not been a party in this case for years. Second, orders granting motions to withdraw as counsel for Deborah Johnson and her son Darrell Johnson were granted on May 24, 2006 [Dkt. # 127], for John Dunston on June 2, 2006 [Dkt. # 130], and for Sandra Smith and her two minor children on October 19, 2006 [Dkt. #

¹ Mr. Johnson titles his paper as a “Pro Se Opt Out of Settlement and Release From Litigation Without Prejudice.” Mr. Dunstan calls his a “Pro Se Opt Out and Release.” Ms. Archie captions hers as a “Pro Se Request to Opt Out.”

144].² In addition, when counsel filed an amended complaint on August 15, 2006 [Dkt. # 139], the complaint did not name as plaintiffs Ethel Archie, the Dunstons or the Johnsons.

In addition, at a status hearing on June 26, 2006, the Court addressed *pro se* plaintiffs John Dunston and Darrell Johnson and informed them of the need to seek counsel, the difficulties of proceeding *pro se* and the obstacles they could face in light of the statute of limitations. Since that date, *pro se* plaintiffs have not retained counsel, have not filed any complaint against defendant, and although they have been given the opportunity to be included in settlement negotiations, they have been unwilling to participate in mediation and have refused the appointment of *pro bono* counsel to assist them in this process.

Now each *pro se* plaintiff has filed a paper asking to opt out of any settlement and to be released from this litigation without prejudice. Since this is not a class action, there is no need for these plaintiffs to opt out of the settlement if they choose not to accept defendant's offer. Second, with respect to these *pro se* plaintiffs, there is no pending complaint in which they are named as plaintiffs. As a result, there is no need for them to ask to be released from litigation, and there is no pending case involving these plaintiffs that can be dismissed.

/s/

ELLEN SEGAL HUVELLE
United States District Judge

Date: April 11, 2008

² According to the motion to withdraw with respect to Sandra Smith and her minor children [Dkt. # 144], Ethel Archie, purporting to act on behalf of her daughter Sandra Smith, terminated counsel's representation and indicated that Ms. Archie and Ms. Smith had terminated counsel's representation as of February 3, 2003.