

THE HONORABLE BENJAMIN H. SETTLE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSE SANCHEZ, ISMAEL RAMOS
CONTRERAS, and ERNEST GRIMES, on
behalf of themselves and all others
similarly situated,

Plaintiffs,

v.

UNITED STATES OFFICE OF BORDER
PATROL, UNITED STATES CUSTOMS
& BORDER PROTECTION,
DEPARTMENT OF HOMELAND
SECURITY; JOHN C. BATES, Chief
Patrol Agent, Blaine Sector of the United
States Border Patrol, in his official
capacity; JANET NAPOLITANO,
Secretary, Department of Homeland
Security, in her official capacity;
THOMAS WINKOWSKI, Acting
Commissioner, United States Customs &
Border Protection, in his official
capacity;¹ MICHAEL J. FISHER, Chief of
the United States Border Patrol, in his
official capacity; and JAY CUMBOW,
Agent in Charge for the Port Angeles
Office of the Olympic Peninsula of the
United States Border Patrol, in his official
capacity,

No. 3:12-CV-05378 BHS
STIPULATION AND [PROPOSED]
ORDER OF DISMISSAL

¹ Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Thomas Winkowski, the Acting
Commissioner of CBP, has been substituted as defendant in place of his predecessor, David Aguilar.

STIPULATION AND [PROPOSED] ORDER OF
DISMISSAL (No. 3:12-CV-05378 BHS) – 1

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1
2 Defendants.
3
4

5
6
7 STIPULATION
8

9
10 IT IS HEREBY STIPULATED AND AGREED by the undersigned attorneys for the
11 parties that, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the above-
12 referenced case should be DISMISSED with prejudice and without an award of costs or fees to
13 any party.
14
15

16
17 Stipulated to and presented on this 24th day of September, 2013.
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

STIPULATION AND [PROPOSED] ORDER OF
DISMISSAL (No. 3:12-CV-05378 BHS) – 2

82900-0001/LEGAL27921717.1

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1
2 DATED: September 24, 2013
3
4
5
6
7
8
9
10
11
12

s/ Nicholas P. Gellert
Nicholas P. Gellert #18041
NGellert@perkinscoie.com
Brendan J. Peters #34490
BPeters@perkinscoie.com
Javier F. Garcia #38259
JGarcia@perkinscoie.com
Steven D. Merriman #44035
SMerriman@perkinscoie.com

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Telephone: 206.359.8000
Facsimile: 206.359.9000

Cooperating Attorneys for the ALCU and NWIRP

13
14
15
16
17
18 Sarah Dunne, WSBA No. 34869
19 La Rond Baker, WSBA No. 43610
20 **ACLU of Washington Foundation**
21 901 5th Ave, Suite 630
22 Seattle, WA 98164
23 Telephone: 206.624.2184
24
25
26

27 Matt Adams, WSBA No. 28287
28 **Northwest Immigrant Rights Project**
29 615 Second Ave., Ste. 400
30 Seattle, WA 98104
31 Telephone: 206.957.8611
32 Facsimile: 206.587.4009
33

34 Attorneys for Plaintiffs
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

STIPULATION AND [PROPOSED] ORDER OF
DISMISSAL (No. 3:12-CV-05378 BHS) – 3

82900-0001/LEGAL27921717.1

Perkins Coie LLP
1201 Third Avenue, Suite 4900
Seattle, WA 98101-3099
Phone: 206.359.8000
Fax: 206.359.9000

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51

/s/ Timothy Belsan
Timothy Belsan
United States Department of Justice
Office of Immigration Litigation
District Court Section
Ben Franklin Station, P.O. Box 868
Washington, DC 20044

Rebecca S. Cohen
Assistant United States Attorney
United States Attorney's Office
700 Stewart Street, Suite 5220
Seattle, WA 98101-1271
Attorneys for Defendants

ORDER

The parties having so stipulated and agreed, it is hereby SO ORDERED. The above-referenced case is hereby DISMISSED with prejudice and without an award of costs or fees to any party. The Clerk is directed to send copies of this Order to all counsel of record.

DATED this _____ day of _____, 2013.

The Honorable Benjamin H. Settle
United States District Court Judge

CERTIFICATE OF SERVICE

On the 24th day of September, 2013, I caused to be served upon the following, at the addresses stated below, via the method of service indicated, a true and correct copy of the foregoing document.

STIPULATION AND [PROPOSED] ORDER OF DISMISSAL

<p>Timothy M. Belsan Trial Attorney United States Department of Justice Office of Immigration Litigation District Court Section Ben Franklin Station, P.O. Box 868 Washington, DC 20044</p> <p>Attorney for Defendants</p>	<p><input type="checkbox"/> Via hand delivery <input type="checkbox"/> Via U.S. Mail, 1st Class, Postage Prepaid <input type="checkbox"/> Via Overnight Delivery <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via Email <input checked="" type="checkbox"/> Via ECF</p>
<p>Rebecca S. Cohen Assistant United States Attorney United States Attorney's Office 700 Stewart Street, Suite 5220 Seattle, Washington 98101-1271</p> <p>Attorney for Defendants</p>	<p><input type="checkbox"/> Via hand delivery <input type="checkbox"/> Via U.S. Mail, 1st Class, Postage Prepaid <input type="checkbox"/> Via Overnight Delivery <input type="checkbox"/> Via Facsimile <input type="checkbox"/> Via Email <input checked="" type="checkbox"/> Via ECF</p>

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED at Seattle, Washington, this 24th day of September, 2013.

/s/Steven D. Merriman
Steven D. Merriman, WSBA 44035