

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;<sup>1</sup> 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

<sup>1</sup> 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

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