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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LEAGUE OF WOMEN VOTERS OF
CUPERTINO-SUNNYVALE,

Plaintiff,

v.

CITY OF CUPERTINO, et al.

Defendants.

Case No. 22-cv-04189

**STIPULATION FOR DISMISSAL WITH
PREJUDICE AND REQUEST TO
VACATE MAY 1, 2023 ORDER**

STIPULATED DISMISSAL WITH PREJUDICE AND REQUEST TO VACATE

MAY 1, 2023 ORDER

WHEREAS on May 1, 2023 the Court granted Defendants' motion to dismiss this action with leave to amend;

WHEREAS on July 18, 2023 the City of Cupertino adopted a new lobbying ordinance;

WHEREAS the parties have agreed that this action shall be dismissed with prejudice with each side to bear its own costs and fees; and

WHEREAS the parties request that the Court vacate its May 1, 2023 order given the new ordinance and this agreement to dismiss. See *Persistence Software, Inc. v. Object People, Inc.*, 200 F.R.D. 626, 627 (N.D. Cal. 2001). The stipulated dismissal is not conditioned on the Court granting this request.


THEREFORE,

1. The parties request that this Court vacate its interlocutory May 1, 2023 order; and
2. The parties stipulate, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), that this action is dismissed with prejudice, with each side to bear its own fees and costs.

IT IS SO STIPULATED.

DATED: July 28, 2023

STEPTOE & JOHNSON LLP

By: 
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LEAGUE OF WOMEN VOTERS OF
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DATED: July 28, 2023

**WAGSTAFFE, VON LOEWENFELDT,
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By


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~~[PROPOSED]~~ ORDER

Pursuant to Stipulation, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT this Court's May 1, 2023 interlocutory order granting defendants' motion to dismiss with leave to amend is vacated.

IT IS FURTHER ORDERED THAT this action is dismissed with prejudice, with each side to bear its own fees and costs.

IT IS SO ORDERED.

Dated: July 31, 2023



JEFFREY S. WHITE
United States District Judge