

IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

STATE OF ALABAMA, et al.,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
COMMERCE, et al.,

Defendants,

and

DIANA MARTINEZ, et al.,

COUNTY OF SANTA CLARA,
CALIFORNIA, et al.,

STATE OF NEW YORK, et al.,

Defendant-Intervenors.

Civil Action No. 2:18-cv-00772-RDP

STIPULATION OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE
OF MARTINEZ INTERVENORS' CROSSCLAIM
UNDER FED. R. CIV. P. 41(a)(1)

Fed. R. Civ. P. 41(a)(1)(A)(ii) and 41(c) permit a party to dismiss its crossclaim voluntarily, without prejudice, and without a court order by filing a stipulation signed by all parties to the crossclaim who have appeared. *Cf.* 8 Daniel R. Coquillette et al., *Moore's Federal Practice* § 41.34 (“[T]he parties to a third party action may dismiss it without the consent of any party to the main action.”). Defendant-Intervenors Diana Martinez, Raisa Sequeira, Saulo Corona, Irving Medina, Joey Cardenas, Florinda P. Chavez, and Chicanos Por La Causa (collectively, “Martinez Intervenors”) filed a crossclaim in this action against Defendants United States Department of Commerce; the Secretary of Commerce in his official capacity; the Bureau of the Census; and the Director of the U.S. Census Bureau in his official capacity (collectively, the “Cross-Defendants”)

on October 1, 2019.¹ *See* Dkt. 119. Cross-Defendants filed their answer to the crossclaim on December 2, 2019. *See* Dkt. 126. With this stipulation of dismissal signed by all parties who have appeared on the Martinez Intervenors' crossclaim, the Martinez Intervenors voluntarily dismiss their crossclaim against Cross-Defendants without prejudice.

On January 8, 2021, the Court stayed this action. *See* Dkt. 195. The parties to the crossclaim respectfully request that the Court permit this stipulation to take effect immediately notwithstanding the stay.

IT IS HEREBY STIPULATED AND AGREED BY THE PARTIES TO MARTINEZ INTERVENORS' CROSSCLAIM that the Martinez Intervenors' crossclaim is dismissed without prejudice under Fed. R. Civ. P. 41(a)(1)(A)(ii).

All parties to the crossclaim are to bear their own fees and costs.

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Wynn Coggins, the Acting Secretary of Commerce, has automatically been substituted for Defendant Wilbur L. Ross; and Dr. Ron Jarmin, the Acting Director of the U.S. Census Bureau, has automatically been substituted for Defendant Steven Dillingham.

January 27, 2021

Respectfully submitted,

/s/ Ernest I. Herrera

MEXICAN AMERICAN LEGAL
DEFENSE AND EDUCATIONAL FUND
Thomas A. Saenz (CA Bar No. 159430)*
Andrea Senteno (NY Bar No. 5285341)*
Ernest I. Herrera (TX Bar No. 24094718)*
634 S. Spring St., Ste. 1100
Los Angeles, CA 90014
Telephone: (213) 629-2512
Facsimile: (213) 629-0266
Email: tsaenz@maldef.org
asenteno@maldef.org
eherrera@maldef.org

Edward Still
Bar. No. ASB-i47w-4786
still@votelaw.com
429 Green Springs Hwy STE 161-304
Birmingham, AL 35209
Telephone: (205) 320-2882
Facsimile: (205) 320-2882

James U. Blacksher
(AL Bar: ASB-2381-S82J)
825 Linwood Road
Birmingham, AL 35222
Telephone: (205) 612-3752
jublacksher@gmail.com

Attorneys for Martinez Intervenors

* Admitted Pro hac vice

BRIAN M. BOYNTON
Acting Assistant Attorney General

ALEXANDER K. HAAS
Director, Federal Programs Branch

BRAD P. ROSENBERG
Assistant Branch Director

/s/ Elliott M. Davis
ALEXANDER V. SVERDLOV
ELLIOTT M. DAVIS
Trial Attorneys
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street, N.W.
Washington, DC 20005
Tel: (202) 514-4336
elliott.m.davis@usdoj.gov

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on January 27, 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Ernest I. Herrera
Ernest I. Herrera