

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.<sup>1</sup> *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.

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<sup>1</sup> 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

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**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  
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