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**UNITED STATES DISTRICT COURT**

SAMUEL MERCARDO, ET AL,

Plaintiffs,

v.

UNITED STATES OF AMERICA, ET AL.,

Defendants.

Case No. 1:13-cv-01535 AWI-JLT

**STIPULATION FOR DISMISSAL  
OF FIRST CAUSE OF ACTION  
AGAINST THE UNITED STATES  
AND PLAINTIFFS SAMUEL  
MERCARDO AND MUSA GOWON;  
ORDER**

1 On January 10, 2017, the parties filed the following stipulation:

2  
3 Pursuant to the Federal Rules of Civil Procedure 41(a)(1), the parties hereby stipulate that the  
4 first cause of action against the United States and the claims by Plaintiffs Samuel Mercado and  
5 Musa Gowon against all Defendants be dismissed with prejudice. All parties to bear their/its own  
6 attorneys fees and costs.

7 IT IS SO STIPULATED

8 DATED: January 10, 2017

Respectfully submitted,

9 (As authorized 1/10/2017)

10 /s/ Edward M. Higginbotham

EDWARD M. HIGGINBOTHAM

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11 Attorneys for Plaintiffs SAMUEL MERCADO,

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13 ANDRADE, GILBERTO GONZALEZ

BETANCOURT, WANA WIN, MUSA GOWON,

14 JOSE PORTILLO MAYORGA, VICTOR

15 MARTINEZ, JORGE RIVERA-VALLEJO, EDGAR

PRADO CASTANEDA, GONZALO CISNEROS

16 REYES, LUCIO PALMOARES, and HECTOR

BAZAN

17 DATED: January 10, 2017

BURKE, WILLIAMS & SORENSEN, LLP

18 (As authorized 1/10/2017)

19 /s/ Kristina Gruenberg

KRISTINA GRUENBERG

20 SUSAN E. COLEMAN

21 Attorney for Defendant

22 Manangement & Training Corporation and

Michael Benov

23 DATED: January 10, 2017

PHILLIP A. TALBERT

24 United States Attorney

25 /s/ Alyson A. Berg

ALYSON A. BERG

26 Assistant United States Attorney

27 Attorneys for Defendant,

28 United States of America

1 The Court understands the stipulation as attempting to dismiss two plaintiffs entirely and the  
2 first cause of action against the United States. The result of the stipulation would be that: (1) the  
3 first cause of would remain, but not against the United States; and (2) all claims by Plaintiffs  
4 Mercardo and Gowon would be dismissed. Because all parties have signed the stipulation and the  
5 stipulation eliminates all claims by two plaintiffs, the stipulation is automatically effective as to the  
6 claims by Mercardo and Gowon. See Fed. R. Civ. P. 41(a)(1)(A)(ii). However, all claims against  
7 the United States are not disposed of, so Rule 41(a)(1) does not automatically dismiss the first cause  
8 of action against the United States. Nevertheless, because all parties have signed the stipulation and  
9 are in agreement, in the interests of time and saving resources, the Court will give effect to the  
10 parties' stipulation and dismiss the first cause of action against the United States with prejudice.

11  
12 **ORDER**

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. Pursuant to Rule 41(a)(1)(A)(ii), all claims against all Defendants by Plaintiffs Samuel  
15 Mercardo and Musa Gowon are dismissed with prejudice;
- 16 2. The Clerk shall note on the docket that Plaintiff's Samuel Mercardo and Musa Gowon were  
17 terminated on January 10, 2017;
- 18 3. Per the stipulation of the parties, the first cause of action in the First Amended Complaint  
19 against the United States is DISMISSED; and
- 20 4. This case remains open.

21  
22 IT IS SO ORDERED.

23 Dated: January 11, 2017

  
24 SENIOR DISTRICT JUDGE