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Attorneys for Plaintiff Scott Swift

13 UNITED STATES DISTRICT COURT
 14 EASTERN DISTRICT OF CALIFORNIA

16 Scott Swift,
 17 *Plaintiff,*
 18 v.
 19 ClearCaptions, LLC,
 20 *Defendant.*

Case No. 2:20-cv-00731-MCE-DB

**PARTIES' JOINT STIPULATION FOR
 DISMISSAL WITH PREJUDICE AND
 ORDER**

Judge: Hon. Morrison C. England, Jr.

1 Pursuant to Federal Rule of Civil Procedure (“FRCP”) 41(a)(1)(A)(ii), Plaintiff Scott Swift
2 (“Plaintiff”) and Defendant ClearCaptions, LLC (“ClearCaptions”) (collectively the “Parties”), by
3 and through their respective counsel of record, hereby stipulate as follows:

4 WHEREAS, on February 29, 2024, this Court granted ClearCaptions’ Motion to Dismiss
5 Plaintiff’s First Amended Complaint with leave to amend within twenty days (Dkt. 46);

6 WHEREAS, on March 20, 2024, Plaintiff filed the Second Amended Complaint (Dkt. 47)
7 and served ClearCaptions with the Second Amended Complaint;

8 WHEREAS, on March 29, 2024, the Parties filed a Joint Stipulation to Extend the Time for
9 Defendant to file its Response to the Second Amended Complaint to May 1, 2024 (Dkt. 48);

10 WHEREAS FRCP 41(a)(1)(A) and (a)(1)(A)(ii) together state that “the plaintiff may
11 dismiss an action without a court order by filing” . . . “a stipulation of dismissal signed by all parties
12 who have appeared”;

13 WHEREAS, Plaintiff wishes to dismiss this action with prejudice in exchange for a waiver
14 of any and all collectible costs and attorneys’ fees by the Defendant;

15 WHEREAS, the Parties have conferred, and agreed to bear their respective fees and costs
16 in this matter, and Defendant has agreed to waive any and all collectible costs and attorneys’ fees
17 in this matter in exchange for Plaintiff’s dismissal of the action with prejudice;

18 THEREFORE, the Parties, through their respective counsel do hereby stipulate that,
19 pursuant to the aforementioned Federal Rule(s) of Civil Procedure and the terms outlined above,
20 this action be and hereby is dismissed with prejudice.

21 IT IS SO STIPULATED.

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Dated: April 29, 2024

CLAYEO C. ARNOLD,
A PROFESSIONAL CORPORATION
McGuinn, Hillsman & Palefsky

By: /s/ Matthew C. Koski

M. Anderson Berry
Matthew C. Koski
Attorneys for Plaintiff Scott Swift

Dated: April 29, 2024

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Joseph E. Floren

Joseph E. Floren
Douglas W. Baruch (*pro hac vice*)
Jennifer M. Wollenberg (*pro hac vice*)
Lindsey T. Levy (*pro hac vice*)
Attorneys for Defendant ClearCaptions, LLC

(as authorized on April 29, 2024)

Local Rule 131(e) Certification

Pursuant to Local Rule 131(e), the filer of this document attests that concurrence in the filing has been obtained from each of the other signatories.

/s/ Matthew C. Koski
Matthew C. Koski

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Scott Swift,
Plaintiff,

v.
ClearCaptions, LLC,
Defendant.

Case No. 2:20-cv-00731-MCE-DB

[PROPOSED] ORDER OF DISMISSAL

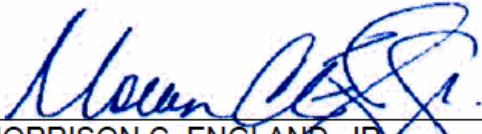
Judge: Hon. Morrison C. England, Jr.

ORDER OF DISMISSAL

Pursuant to the stipulation of the parties under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) (Dkt. No. 49), IT IS ORDERED THAT THIS ACTION BE, AND HEREBY IS, DISMISSED WITH PREJUDICE as to all claims, causes of action, and parties, with each party bearing that party's own attorney's fees and costs. The Clerk is directed to close the file.

IT IS SO ORDERED.

Date: May 9, 2024


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE