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 Attorney for Plaintiffs

5 UNITED STATES DISTRICT COURT  
 6 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO

|                                   |   |                                  |
|-----------------------------------|---|----------------------------------|
| 7 BERNAVE ALCARAZ, et al.,        | ) | No.: C 13-0511 MMC               |
| 8 Plaintiffs,                     | ) |                                  |
| 9 vs.                             | ) | PLAINTIFF’S TO MOTION TO DISMISS |
|                                   | ) | RULE 41(a)(2)                    |
| 10 UNITED STATES, <i>et al.</i> , | ) |                                  |
| 11 Defendants.                    | ) |                                  |
|                                   | ) |                                  |
|                                   | ) |                                  |

14 **FACTUAL BACKGROUND**

15 1. The parties have concluded settlement of this case. The stipulated settlement  
 16 states as follows: (a) the settlement check will be sent to counsel for plaintiffs upon (b)  
 17 Plaintiffs’ counsel filing a motion for an order dismissing this action with prejudice, with  
 18 each party to bear its own costs, expenses, and fees, including any costs, expenses, and fees  
 19 incurred by Plaintiffs in obtaining court approval of settlement on behalf of the minor  
 20 Plaintiffs. Said dismissal Order shall provide that the District Court is not retaining  
 21 jurisdiction over the above-referenced action of the settlement.

22 2. This motion seeks to fulfill the above stated terms of the settlement  
 23 agreement.

24 **ARGUMENT**

25 3. But for the transmittal of the sum agreed to in the parties stipulated settlement,  
 26 this case has been fully resolved.

27 4. According to the terms of the settlement, Plaintiffs herewith file their motion  
 28 to dismiss this case in its entirety with prejudice and a termination of jurisdiction.

1                   5. A proposed order is attached.  
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3 Dated: October 15, 2014  
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Respectfully submitted,

5                   /s/ H. Nelson Meeks  
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1 **[PROPOSED] ORDER**

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3 IT IS SO ORDERED AS FOLLOWS:

- 4 1. This case is DISMISSED in its entirety with PREJUDICE,  
5 2. Each party shall bear its own costs, expenses, fees, including any costs, expenses, and  
6 fees incurred by Plaintiffs in obtaining court approval of settlement on behalf of the  
7 minor Plaintiffs.  
8 3. Jurisdiction of the Court over this case is hereby TERMINATED.

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11 DATE: October 16, 2014

  
12 Maxine M. Chesney  
13 United States District Judge  
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