

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Raymond P. Moore**

Civil Action No. 11-cv-02937-RM-MJW

UNITED STATES OF AMERICA,
ex rel. BONNIE M. JIMENEZ,

Plaintiff,

v.

OTTER PRODUCTS, LLC d/b/a OTTERBOX, a Colorado corporation,

Defendant.

ORDER

THIS MATTER is before the Court on the Joint Stipulation of Dismissal of Case (ECF No. 92) filed pursuant to Fed.R.Civ.P. 41(a)(1)(A)(ii) and 31 U.S.C. § 3730(b)(1). Upon consideration of the Joint Stipulation, the United States' Notice of Consent (ECF No. 94), the representation of the parties, the Court file, and the applicable rules, statute and law, the Court finds the requirements for dismissal have been met and good cause has been shown.

Accordingly, the Court consents to the dismissal and ORDERS that

1. All claims in this civil action are hereby dismissed, with prejudice, as to Relator Bonnie M. Jimenez;
2. All claims in this civil action are dismissed, with prejudice, as to the United States to the extent they allege that:

- a. From January 1, 2006 through December 31, 2011, OtterBox knowingly omitted the value of assists, as defined by 19 U.S.C. § 1401a(h)(1), from the dutiable value it declared to Customs on the entry documents it submitted to Customs for merchandise OtterBox imported from January 1, 2006 through December 31, 2011, and thus, OtterBox knowingly underpaid the customs duties it owed to the United States on that merchandise; and
 - b. OtterBox knowingly made or caused to be made false statements in other documents submitted to Customs concerning the value of assists, and the customs duties OtterBox owed on the value of assists, for merchandise OtterBox imported between January 1, 2006 through December 31, 2011, and thus, OtterBox knowingly underpaid the customs duties it owed to the United States on that merchandise; and
3. Any other claims in this civil action are dismissed, without prejudice, as to the United States.

DATED this 28th day of April, 2014.

BY THE COURT:



RAYMOND P. MOORE
United States District Judge