

1 Constantinos Gus Fountas, Esq.  
 2 NV Bar No. 10587  
 3 3340 Pepper Ln. Ste. 103  
 4 Las Vegas, NV 89120  
 5 Tel (702) 451-8815  
 6 Fax (702) 450-9925  
 7 e-mail: [fountaslaw@gmail.com](mailto:fountaslaw@gmail.com)  
 8 Attorney for the Plaintiff

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 11 **UNITED STATES DISTRICT COURT**  
 12 **DISTRICT OF NEVADA**  
 13 **LAS VEGAS, NEVADA**  
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11	NAVIATICA INTERNATIONAL, INC.,	)	
12	Plaintiff,	)	
13	v.	)	Case No.: 2:10-cv-1999-PMP-RJJ
14	JANET NAPOLITANO, Secretary of	)	JOINT MOTION TO DISMISS COMPLAINT
15	Department of Homeland Security;	)	
16	MARILYN P. WILES, Director of USCIS,	)	WITHOUT PREJUDICE
17	Nebraska Service Center,	)	
	Defendants.	)	

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 19 The parties to this civil action, by their undersigned counsel, hereby stipulate and agree that the above-  
 20 captioned action should be dismissed without prejudice. Plaintiff, Naviatica International, Inc. is a US based  
 21 Corporation and filed an I-140 Immigrant petition as a multinational manager or executive for the president and  
 22 CEO, Douglas Wardle. In order for one to be afforded a visa as a multinational manager or executive under 8 CFR  
 23 §204, a beneficiary of that position must be employed in a managerial capacity or executive capacity as defined in  
 24 Section 101(a)(44)(A) and (B) of the INA; 8 USC §1101(a)(44)(A) and (B) respectively. USCIS denied the petition  
 25 on July 26, 2010. A joint stipulation was entered between the Plaintiff and Defendants to await the decision of the  
 AAO. The AAO dismissed the appeal on November 3, 2011. The parties ask this court to dismiss the complaint

1 without prejudice filed on November 16, 2010, with the amended complaint and pleadings filed on February 23,  
2 2011. The parties are to bear their own attorneys' fees and costs.

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4 Dated this 16<sup>th</sup> day of November, 2011

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7 Respectfully Submitted,

8 */s/ Constantinos G. Fountas*

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Constantinos Fountas, Esq.  
Nevada Bar. No.: 10587  
3340 Pepper Ln. Ste. 103  
Las Vegas, NV 89120  
Tel (702) 451-8815  
Fax (702) 450-9925  
e-mail: [fountaslaw@gmail.com](mailto:fountaslaw@gmail.com)  
Attorney for the Plaintiff

11  
12  
13 DANIEL G. BOGDEN  
14 United States Attorney

15 */s/ Carlos A. Gonzalez*  
16 CARLOS A. GONZALEZ  
Assistant United States Attorney  
333 Las Vegas Blvd. So., #5000  
17 Las Vegas, NV 89101  
Ph: (702) 388-6336  
18 Fax: (702) 388-6787  
19 e-mail: [Carlos.Gonzalez2@usdoj.gov](mailto:Carlos.Gonzalez2@usdoj.gov)

20 TONY WEST  
Assistant Attorney General  
21 Civil Division

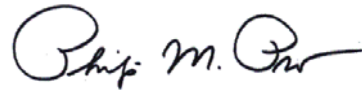
22 ELIZABETH J. STEVENS  
23 Assistant Director  
District Court Section  
24 Office of Immigration Litigation

25 */s/ Gisela A. Westwater*  
GISELA A. WESTWATER

1 Trial Attorney  
2 District Court Section  
3 Office of Immigration Litigation  
4 Civil Division  
5 U.S. Department of Justice  
6 P.O. Box 868, Ben Franklin Station  
7 Washington, DC 20044  
8 Ph: 202-532-4174  
9 Fax: 202-305-7000  
10 e-mail: [Gisela.Westwater@usdoj.gov](mailto:Gisela.Westwater@usdoj.gov)

11 Attorneys for Defendants

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IT IS SO ORDERED



PHILIP M. PRO  
U.S. DISTRICT JUDGE

Dated: \_ November 17, 2011.