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Of Attorneys for Intervenor Port of Portland

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

PORTLAND DIVISION

INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION and PACIFIC
MARITIME ASSOCIATION,

Case No. 3:12-CV-01058-SI

Plaintiffs and
Counterclaim Defendants,

STIPULATED DISMISSAL WITHOUT
PREJUDICE OF PORT OF PORTLAND'S
CROSS-CLAIM AGAINST ICTSI OREGON,
INC. AND DISMISSAL ORDER

v.

ICTSI OREGON, INC., an Oregon
corporation,

Defendant/Counterclaim
Plaintiff,

IBEW Local 48,

Intervenor,

and

STIPULATED DISMISSAL WITHOUT PREJUDICE OF PORT OF PORTLAND'S CROSS-
CLAIM AGAINST ICTSI OREGON, INC. AND DISMISSAL ORDER - 1 94368684.2

0061364-00200.001

PORT OF PORTLAND,

Intervenor,
Counterclaim Plaintiff,
and Cross-Claim Plaintiff,

v.

INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION, PACIFIC
MARITIME ASSOCIATION,
INTERNATIONAL LONGSHORE AND
WAREHOUSE UNION LOCAL 8,

Counterclaim Defendants,

and

ICTSI OREGON, INC., an Oregon
corporation,

Cross-Claim Defendant.

This Stipulation is between the Port of Portland (“Port”) and ICTSI Oregon, Inc. (“ICTSI”). The parties to this Stipulation jointly request that the Court enter an order dismissing without prejudice and without costs or fees to either party the cross-claim for declaratory judgment asserted by Port against ICTSI in this action.

In addition, the Port and ICTSI stipulate that such dismissal order is expressly subject to and without waiver of, and without any adjudicative or preclusive effect as to, the Port and ICTSI’s common position taken throughout this litigation that at all material times the Port had the sole and exclusive legal right to control assignment of the work associated with the plugging, unplugging and monitoring of refrigerated containers at Terminal 6 and the parties further stipulate that the dismissal order should note this agreed limitation in the body of the dismissal order and in any final judgment.

STIPULATED DISMISSAL WITHOUT PREJUDICE OF PORT OF PORTLAND’S CROSS-
CLAIM AGAINST ICTSI OREGON, INC. AND DISMISSAL ORDER - 2 94368684.2

0061364-00200.001

DATED: October 18, 2017.

STOEL RIVES LLP

s/ Randolph C. Foster

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STIPULATED DISMISSAL WITHOUT PREJUDICE OF PORT OF PORTLAND'S CROSS-
CLAIM AGAINST ICTSI OREGON, INC. AND DISMISSAL ORDER - 3 94368684.2

0061364-00200.001

ORDER

Pursuant to Rule 41(a)(2) and the stipulated request of the parties and good cause appearing therefor, IT IS HEREBY ORDERED that the claims alleged by the Port of Portland against ICTSI Oregon, Inc. are hereby DISMISSED with prejudice but without waiver of, and without any adjudicative or preclusive effect as to, the Port and ICTSI's common position taken throughout this litigation that at all material times the Port had the sole and exclusive legal right to control assignment of the work associated with the plugging, unplugging and monitoring of refrigerated containers at Terminal 6 and the parties further stipulate that the dismissal order should note this agreed limitation in the body of the dismissal order and in any final judgment.

IT IS SO ORDERED.

DATED this 19th day of October, 2017



MICHAEL H. SIMON
United States District Judge