

THE HONORABLE MARSHA J. PECHMAN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

AMAZON.COM, LLC,

Plaintiff,

v.

DAVID W. HOYLE, in his official capacity as
Secretary of the North Carolina Department of
Revenue,

Defendant.

No. 10-cv-00664-MJP

STIPULATED DISMISSAL OF
REMAINING CLAIMS OF
INTERVENORS' COMPLAINT IN
INTERVENTION AGAINST
DEFENDANT IN INTERVENTION
DAVID W. HOYLE

JANE DOE 1, JANE DOE 2,
JANE DOE 3, JANE DOE 4,
JANE DOE 5, JANE DOE 6, AND
CECIL BOTHWELL,

Plaintiffs-Intervenors

v.

DAVID W. HOYLE, in his official capacity as
Secretary of the North Carolina Department of
Revenue and
AMAZON.COM, LLC,

Defendants in Intervention.

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs-Intervenors Jane
Does 1-6 and Cecil Bothwell and Defendant-in-Intervention David W. Hoyle, in his official

AMERICAN CIVIL LIBERTIES
UNION OF WASHINGTON
901 Fifth Avenue, Suite 630
Seattle, Washington 98104-1799
(206) 624-2184

STIPULATED DISMISSAL - 1
10-cv-00664-MJP

1 capacity as Secretary of the North Carolina Department of Revenue, stipulate and agree as
2 follows:

3 1. Amazon.com LLC (“Amazon”) filed a complaint against the Secretary of the
4 North Carolina Department of Revenue (“DOR”), in his official capacity, captioned *Amazon.com*
5 *LLC v. Hoyle*, No. 2:10-cv-00664-MJP (Dkt. No. 1).

6 2. Plaintiffs-Intervenors Jane Does 1-6 and Cecil Bothwell (“Intervenors”) filed a
7 complaint in intervention in this action (Dkt. No. 61).

8 3. DOR subsequently filed motions to dismiss Amazon’s complaint (Dkt. No. 43)
9 and the complaint in intervention (Dkt. No. 64), and Amazon filed a motion for summary
10 judgment (Dkt. No. 44).

11 4. After briefing on the motions was completed and oral argument was held, the
12 Court issued an Order dated October 25, 2010, granting summary judgment to Amazon and
13 denying DOR’s motion to dismiss the complaint of Amazon and the complaint in intervention of
14 Intervenors (Dkt. No. 69).

15 5. The Court’s October 25 Order held that “much of the declaratory and injunctive
16 relief sought [by Intervenors] overlaps with the declaratory relief issued by this order [in favor of
17 Amazon].” Dkt. No. 69 at 24.

18 6. A stipulated judgment has been filed with the Court concerning Intervenors’
19 overlapping claims, referred to in the Court’s October 25 Order.

20 THEREFORE, IT IS STIPULATED AND AGREED that:

21 Intervenors dismiss with prejudice the non-overlapping, remaining claims in Intervenors’
22 complaint in intervention. *See* Complaint in Intervention (Dkt. No. 61), 32-33 at ¶¶ c, d.
23
24
25
26
27
28

1 DATED this the 26th day of January, 2011

2 *Pro Hac Vice:*

3 **NORTH CAROLINA**
4 **ATTORNEY GENERAL ROY COOPER**

5 By: /s/ Kay Linn Miller Hobart

6 Kay Linn Miller Hobart
7 Special Deputy Attorney General
8 N.C. State Bar No. 16746
9 Telephone: (919) 716-6550
10 Facsimile: (919) 715-3550
11 Email: khobart@ncdoj.gov

12 By: /s/ Tiare B. Smiley

13 Tiare B. Smiley
14 Special Deputy Attorney General
15 N.C. State Bar No. 7719
16 Telephone: (919) 716-6900
17 Facsimile: (919) 716-6763
18 Email: tsmiley@ncdoj.gov
19 N.C. Department of Justice
20 P.O. Box 629
21 Raleigh, NC 27602

22 **MCKAY CHADWELL, PLLC**

23 By: /s/ Michael D. McKay

24 Michael D. McKay
25 WSBA No. 7040

26 By: /s/ Thomas M. Brennan

27 Thomas M. Brennan
28 WSBA No. 30662
600 University St., Suite. 1601
Seattle, WA 98101
Telephone: (206) 233-2800
Facsimile: (206) 233-2809
Email: tmb@mckay-chadwell.com

Attorneys for Defendant-in-Intervention

FOCAL PLLC

By: /s/ Venkat Balasubramani

Venkat Balasubramani, WSBA #28269
8426 40th Ave SW
Seattle, WA 98136
Tel: (206) 529-4827
Fax: (206) 260-3966
Email: venkat@focallaw.com

**AMERICAN CIVIL LIBERTIES UNION OF
WASHINGTON FOUNDATION**

Sarah A. Dunne, WSBA # 34869
901 Fifth Ave, Suite 630
Seattle, WA 98164
Tel: (206) 624-2184
Fax: (206) 624-2190
Email: dunne@aclu-wa.org

Pro Hac Vice:

**AMERICAN CIVIL LIBERTIES UNION
FOUNDATION**

Speech, Privacy and Technology Project

Aden J. Fine
125 Broad Street, 18th Floor
New York, NY 10004
Tel: (212) 549-2500
Fax: (212) 549-2651
Email: afine@aclu.org

Pro Hac Vice:

**AMERICAN CIVIL LIBERTIES UNION OF
NORTH CAROLINA FOUNDATION**

Katherine Lewis Parker
Post Office Box 28004
Raleigh, North Carolina 27611
Tel: (919) 834-3466
Fax: (866) 511-1344
Email: acluncklp@nc.rr.com

Attorneys for Plaintiffs-Intervenors

**AMERICAN CIVIL LIBERTIES
UNION OF WASHINGTON**
901 Fifth Avenue, Suite 630
Seattle, Washington 98104-1799
(206) 624-2184

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

Dated: January ____, 2011

MARSHA J. PECHMAN
United States District Court Judge

1 Presented by:

2 **FOCAL PLLC**

3 By: /s/ Venkat Balasubramani

4 Venkat Balasubramani, WSBA #28269

5 8426 40th Ave SW

6 Seattle, WA 98136

7 Tel: (206) 529-4827

8 Fax: (206) 260-3966

9 Email: venkat@focallaw.com

10 **AMERICAN CIVIL LIBERTIES UNION OF**
11 **WASHINGTON FOUNDATION**

12 Sarah A. Dunne, WSBA # 34869

13 901 Fifth Ave, Suite 630

14 Seattle, WA 98164

15 Tel: (206) 624-2184

16 Fax: (206) 624-2190

17 Email: dunne@aclu-wa.org

18 *Pro Hac Vice:*

19 **AMERICAN CIVIL LIBERTIES UNION**
20 **FOUNDATION**

21 **Speech, Privacy and Technology Project**

22 Aden J. Fine

23 125 Broad Street, 18th Floor

24 New York, NY 10004

25 Tel: (212) 549-2500

26 Fax: (212) 549-2651

27 Email: afine@aclu.org

28 *Pro Hac Vice:*

AMERICAN CIVIL LIBERTIES UNION OF
NORTH CAROLINA FOUNDATION

Katherine Lewis Parker

Post Office Box 28004

Raleigh, North Carolina 27611

Tel: (919) 834-3466

Fax: (866) 511-1344

Email: acluncklp@nc.rr.com

Attorneys for Plaintiffs-Intervenors