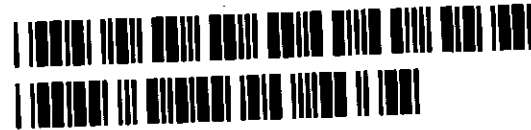


THE HONORABLE MARSHA J. PECHMAN

FILED ENTERED
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JAN 28 2011

AT SEATTLE
CLERK U.S. DISTRICT COURT
BY WESTERN DISTRICT OF WASHINGTON
DEPUTY



10-CV-00664-PET

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 JUDGMENT RE
COMPLAINT IN INTERVENTION

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.

Plaintiffs-Intervenors Jane Does 1-6 and Cecil Bothwell and Defendant-in-Intervention

David W. Hoyle, in his official capacity as Secretary of the North Carolina Department of
Revenue, stipulate and agree as follows:

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

STIPULATED JUDGMENT - 1
10-cv-00664-MJP

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

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

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

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

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

16 6. This stipulation does not constitute a concession, agreement or admission by
17 Defendant Hoyle as to the correctness or applicability of the declaratory relief granted in the
18 October 25 Order or that the Court has jurisdiction over Defendant or this matter.
19

20
21 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to the Court's
22 approval, that:

23 1. As a result of the Court's October 25 Order, it would be an unnecessary use of
24 judicial resources to further litigate Intervenors' overlapping claims. Intervenors and Defendant
25 Hoyle therefore agree, for purposes of this action, that judgment shall be entered on behalf of
26 Intervenors providing the same declaratory relief as granted to Amazon in this action. *See* Dkt.
27 No. 69 at 24.
28

1 2. Intervenor agree to dismiss with prejudice the remaining claims for relief in their
2 complaint in intervention against Defendant Hoyle. *See* Complaint in Intervention (Dkt. No. 61)
3 at 32-33, ¶¶ c, d.

4 DATED this the 26th day of January, 2011

5 *Pro Hac Vice:*

6 **NORTH CAROLINA**
7 **ATTORNEY GENERAL ROY COOPER**

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24 Raleigh, NC 27602

25 **MCKAY CHADWELL, PLLC**

26 By: /s/ Michael D. McKay

27 Michael D. McKay
28 WSBA No. 7040

By: /s/ Thomas M. Brennan

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1 IT IS SO ORDERED.

2 Dated: January 28, 2011



3
4 MARSHA J. PECHMAN
5 United States District Court Judge
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1 Presented by:

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