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THE HONORABLE JAMES L. ROBERT

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

LIL' MAN IN THE BOAT, INC.,

Plaintiff,

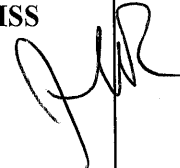
vs.

AUK TA SHAA DISCOVERY, LLC

Defendants.

No. 2:16-CV-01943-JLR

**NOTICE OF MOTION AND
STIPULATED MOTION TO DISMISS
ENTIRE ACTION; ~~PROPOSED~~
ORDER**



**NOTE ON MOTION CALENDAR:
FEBRUARY 7, 2018**

PLEASE TAKE NOTICE that on February 7, 2018, Plaintiff Lil' Man in the Boat, Inc. and Defendant Auk Ta Shaa Discovery, LLC's jointly stipulate to dismiss this entire action, Case No. 2:16-CV-01943-JLR, with prejudice. This motion is supported by the stipulation of all parties, through their counsel of record, as set forth below, the pleadings on file, and upon any further matters the Court deems appropriate.

STIPULATION

Subject to approval by this Court, Plaintiff Lil' Man in the Boat, Inc. ("LMITB") and Defendant Auk Ta Shaa Discovery, LLC ("ATS") (collectively, the "Parties") acting through their respective counsel of record, hereby stipulate as follows:

1 1. WHEREAS, Plaintiff LMITB filed its Complaint for breach of contract in
2 California state court on February 16, 2016 (the “California Complaint”) and ATS removed it to
3 the U.S. District Court for the Northern District of California on March 24, 2016;

4 2. WHEREAS, the U.S. District Court for the Northern District of California issued
5 an Order Granting Defendant ATS’s Motion to Dismiss Plaintiff LMITB’s First Amended
6 Complaint on November 14, 2016, Case No. 16-cv-01471-JST (“California Case”);

7 4. WHEREAS, Plaintiff LMITB filed a notice of appeal of the Order to the U.S.
8 Court of Appeals for the Ninth Circuit on December 13, 2016 (the “Appeal”);

9 5. WHEREAS, Plaintiff LMITB filed a Complaint for breach of contract in this
10 Court on December 20, 2016 (the “Washington Complaint”) regarding the same contract and
11 nucleus of facts;

12 6. WHEREAS, on January 11, 2018, the Court of Appeals for the Ninth Circuit
13 issued its decision on the Appeal that affirmed U.S. District Court for the Northern District of
14 California’s dismissal of the California Case under Federal Rules of Civil Procedure 12(b)(2)
15 and 12(b)(6), finding *inter alia* both that there was never any agreement on purchase terms and
16 that because there was no signature on a written contract by ATS or its broker, any alleged
17 contract was invalid by operation of the statute of frauds.
18

19 **THEREFORE, THE PARTIES STIPULATE AND AGREE TO AS FOLLOWS:**

20 1. The entire Washington Complaint should be dismissed with prejudice, with the
21 Parties to each bear their own fees and costs.

22 **IT IS SO STIPULATED.**

23
24 Dated: February 2, 2018

HKM EMPLOYMENT ATTORNEYS LLP

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Attorneys for Plaintiff

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Dated: February 2, 2018

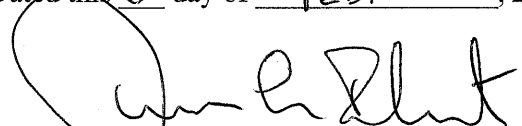
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Attorneys for Defendant

IT IS SO ORDERED.

Dated this th 5 day of Feb., 2018



UNITED STATES DISTRICT JUDGE
JAMES L. ROBERT

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