

The Honorable Ricardo S. Martinez

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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

ROBERT KENNY,

Plaintiff,

No. 2:15-cv-02037-RSM

v.

**STIPULATION OF DISMISSAL WITH  
PREJUDICE AND WITHDRAWAL OF  
ALL PENDING MOTIONS**

PACIFIC INVESTMENT MANAGEMENT  
COMPANY LLC, a Delaware limited liability  
company; PIMCO INVESTMENTS LLC,

Defendant.

STIPULATION OF DISMISSAL  
WITH PREJUDICE AND  
WITHDRAWAL OF PENDING  
MOTIONS  
(No. CV 14-1987-RSM)

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1 Plaintiff Robert Kenny (“Plaintiff”) and Defendants Pacific Investment Management  
2 Company LLC and PIMCO Investments LLC (collectively, “Defendants”), through their  
3 undersigned counsel of record, hereby stipulate and agree as follows:

4 The parties hereby withdraw from the Court’s consideration their pending cross-motions  
5 for summary judgment and all briefing, declarations, exhibits, and supporting materials offered in  
6 support thereof. For the avoidance of doubt, pursuant to LCR 5(g)(6), in light of their withdrawal,  
7 the parties request that material currently filed under seal remain sealed. The docket entries  
8 withdrawn from consideration are ECF Nos. 151, 152, 153, 154, 155, 156, 157, 160, 161, 162,  
9 163, 165, 169, 177, 178, 179, 180, 181, 185, 187, 188, 189, 192, 193, 194, 195, 196, 198, 199,  
10 202, 203, 204, 205, 207, 208, 211, and 231.

11 The parties further stipulate and agree that, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), this  
12 action should be, and hereby is, dismissed with prejudice and without costs awarded by the Court  
13 to any party.

14 Although the parties agree that this stipulation of dismissal is effective “without a court  
15 order,” Fed. R. Civ. P. 41(a)(1)(A), a proposed Order is enclosed in light of the parties’ withdrawal  
16 of their cross-motions for summary judgment.

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STIPULATION OF DISMISSAL  
WITH PREJUDICE AND  
WITHDRAWAL OF PENDING  
MOTIONS  
(No. CV 14-1987-RSM) – 1

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1 DATED this 8th day of August, 2018.

2 By: s/ Michael D. Woerner

3 By: s/ Tana Lin

4 By: s/ Laura R. Gerber

5 By: s/ Ian Mensher

6 Michael D. Woerner, WSBA No. 15452

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STIPULATION OF DISMISSAL WITH PREJUDICE AND WITHDRAWAL OF PENDING MOTIONS

(No. CV 14-1987-RSM) – 2

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**[PROPOSED] ORDER**

Pursuant to stipulation by the parties, and for good cause shown:

1. The parties’ pending cross-motions for summary judgment and all briefing, declarations, exhibits, and supporting materials offered in support thereof are hereby **WITHDRAWN** from consideration, including ECF Nos. 151, 152, 153, 154, 155, 156, 157, 160, 161, 162, 163, 165, 169, 177, 178, 179, 180, 181, 185, 187, 188, 189, 192, 193, 194, 195, 196, 198, 199, 202, 203, 204, 205, 207, 208, 211, and 231.

2. Any material referenced in paragraph (1) that was filed under seal shall **REMAIN SEALED** and shall not be unsealed.

3. The case is **DISMISSED WITH PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii).

**IT IS SO ORDERED** this \_\_\_\_ day of \_\_\_\_ 2018.

\_\_\_\_\_  
Hon. Ricardo S. Martinez  
United States District Judge

Presented by:

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By: s/ Tana Lin

By: s/ Laura R. Gerber

By: s/ Ian Mensher

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 8, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the email addresses indicated on the Court’s Electronic Mail Notice List.

s/ Tana Lin  
Tana Lin, WSBA #35271

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