

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JANE DOE #1, *et al.*, on behalf of themselves
and all others similarly situated

Plaintiffs,

v.

RICH HOBSON, in his official capacity as
Administrative Director of the Courts and head
of the Alabama Administrative Office of
Courts, *et al.*,

Defendants.

Case No. 2:13cv79-WKW-CSC

**JOINT MOTION TO DISMISS
PURSUANT TO PRIVATE SETTLEMENT AGREEMENT**

The Parties, having reached a settlement agreement to resolve the issues in this matter, hereby move the Court to enter the attached proposed order to dismiss the case without prejudice pursuant to Rule 41(a)(1)(B)(ii), but condition this request on the Court's agreeing to retain jurisdiction for five years from the date of entry of the proposed order to enforce the terms of the settlement agreement. As a basis for this motion, the Parties state as follows:

1. Plaintiffs allege that Section 5 of H.B. 658 / Act No. 2012-491, which is codified as Ala. Code § 31-13-32, is preempted by federal law in violation of the Supremacy Clause, and also violates the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution.
2. Defendants deny Plaintiffs' allegations.
3. After Plaintiffs filed suit, Defendants moved to dismiss, which the Court initially granted. (ECF No. 38). Plaintiffs moved for reconsideration, the Court granted the motion to reconsider, and upon reconsideration denied Defendants' motion to dismiss. (ECF Nos. 43, 49.)

4. The Parties have reached agreement on terms of a private settlement agreement, a copy of which is attached to this motion as Exhibit A, and is incorporated herein by reference.

5. The Parties agree that the attached private settlement agreement will fully resolve their dispute.

6. The Parties request that the Court dismiss the lawsuit without prejudice pursuant to Rule 41(a)(1)(B)(ii) of the Federal Rules of Civil Procedure, but condition this request on the Court's agreement to enter an order retaining jurisdiction for five years to enforce the private settlement agreement, as authorized by *Anago Franchising, Inc. v. Shaz, LLC*, 677 F.3d 1272, 1280 (11th Cir. 2012).

7. The Parties therefore request that the Court enter the attached proposed Order in its entirety. If the Court declines to enter the proposed Order in its entirety, the Parties respectfully withdraw their request to stipulate to dismissal of this action.

Dated: September 10, 2014

Respectfully Submitted,

/s/ Samuel Brooke
One of Counsel for Plaintiffs

/s/ James W. Davis
One of Counsel for Defendants

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**Attorney for the State Defendants:
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Administrative Office of Courts, and
Spencer Collier, Director of the Alabama
Department of Homeland Security**

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2014, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notice to counsel of record for the parties.

/s/ Samuel Brooke