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Attorneys for Plaintiff Project Vote, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Project Vote, Inc.,

Plaintiff,

v.

Michele Reagan, in her official capacity as
Secretary of State, State of Arizona; F. Ann
Rodriguez, in her official capacity as County
Recorder of Pima County,

Defendants.

Case No. CV-16-01253-DLR-PHX

**MOTION FOR VOLUNTARY
DISMISSAL**

1 Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiff Project Vote, Inc.
2 (“Project Vote”), by and through undersigned counsel, hereby moves this Court to
3 voluntarily dismiss this action as to Defendant Michele Reagan, in her official capacity as the
4 Arizona Secretary of State (“Reagan”), and Defendant F. Ann Rodriguez, in her official
5 capacity as County Recorder of Pima County (“Rodriguez”). In support of this motion,
6 Plaintiff states:

7 1. Project Vote is a national, non-partisan voting rights advocacy organization
8 that seeks to ensure that every eligible citizen can register, vote, and cast a ballot that counts.

9 2. On April 27, 2016, Project Vote filed a complaint in the U.S. District Court
10 for the District of Arizona against Reagan, Defendant Helen Purcell, in her official capacity
11 as County Recorder of Maricopa County, and Rodriguez, asserting that A.R.S. § 16-168(E),
12 which provided fees that requestors were required to pay to obtain voter registration data,
13 violated the reasonable fee requirements of Section 8 of the National Voter Registration Act
14 of 1993 (“NVRA”).

15 3. On March 14, 2017, Project Vote and Defendant Adrian Fontes, in his official
16 capacity as County Recorder of Maricopa County (“Fontes”), entered into a settlement
17 agreement fully resolving Project Vote’s claims against Defendant Fontes in this litigation.
18 A copy of that settlement agreement was filed with the Court as Docket No. 75-1.

19 4. In response to this litigation, the State of Arizona passed a new version of
20 A.R.S. § 16-168(E), effective on March 31, 2017, altering the statewide fee structure of the
21 statute and significantly lowering fees to obtain voter registration data.

22 5. On June 23, 2017, Project Vote and Reagan entered into a settlement
23 agreement fully resolving Project Vote’s claims against Reagan in this litigation. That
24 agreement is attached hereto as Exhibit 1. Pursuant to that agreement, Project Vote and
25 Reagan each agree to bear its/their own attorney’s fees and costs.

26 6. Project Vote and Rodriguez have not yet reached a settlement agreement.
27
28

1 7. Project Vote has suspended its operations, and does not intend to further
2 prosecute this action.

3 8. Pursuant to the settlement agreement, and on June 28, 2017, Defendant
4 Reagan, in her official capacity as Secretary of State, State of Arizona, stated, through
5 counsel, that she has no objection to the dismissal of this action.

6 9. On July 3, 2017, Defendant F. Ann Rodriguez, in her official capacity as
7 County Recorder of Pima County, stated, through counsel, that she has no objection to the
8 dismissal of this action. Project Vote and Rodriguez will each bear its/their own attorney's
9 fees and costs.

10 10. Under Federal Rule of Civil Procedure 41(a)(2), the Court may, "at the
11 plaintiff's request," dismiss an action on "terms that the court considers proper." Here, in
12 light of the settlement agreement, dismissal is proper.

13 WHEREFORE, Project Vote respectfully requests that this Court dismiss the above-
14 captioned action pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

15
16
17 Dated: July 6, 2017

Respectfully submitted,

PROJECT VOTE, INC.

19
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1 I hereby certify that on July 6, 2017, I served the Motion for Voluntary Dismissal
2 by electronic mail on the following:

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Dated this 6th day of July, 2017.

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