

SACKS, RICKETTS & CASE LLP  
Cynthia A. Ricketts, SBN 012668  
cricketts@srclaw.com  
Amanda Jenkins, SBN 030694  
ajenkins@srclaw.com  
2800 North Central Avenue, Suite 1230  
Phoenix, AZ 85004  
Telephone: (602) 385-3370  
Facsimile: (602) 385-3371

KIERMAN LAW PLC  
Allison Kierman, SBN 024414  
akierman@kiermanlaw.com  
14362 N Frank Lloyd Wright Boulevard, Suite 1000  
Scottsdale, AZ 85260  
Telephone: (480) 719-7333

ROPES & GRAY LLP  
Colleen A. Conry (*pro hac vice*)  
colleen.conry@ropesgray.com  
David E. Rhinesmith (*pro hac vice*)  
david.rhinesmith@ropesgray.com  
Emerson A. Siegle (*pro hac vice*)  
emerson.siegle@ropesgray.com  
2099 Pennsylvania Avenue NW  
Washington, DC 20006  
Telephone: (202) 508-4600

*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; Adrian  
Fontes, in his official capacity as County  
Recorder of Maricopa County; 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 OF A DEFENDANT  
WITHOUT PREJUDICE**

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, without prejudice, as to Defendant Adrian Fontes, in his  
4 official capacity as County Recorder of Maricopa County (“Fontes”). In support of this  
5 motion, Plaintiff states:

6 1. On March 14, 2017, Project Vote and Defendant Fontes entered into a  
7 settlement agreement fully resolving Project Vote’s claims against Fontes in this litigation.  
8 That agreement is attached hereto as Exhibit 1. Pursuant to that agreement, Project Vote and  
9 Fontes each agree to bear its/his own attorney’s fees and costs.

10 2. On March 16, 2017, Defendant F. Ann Rodriguez, in her official capacity as  
11 County Recorder of Pima County, stated, through counsel, that she had no objection to the  
12 dismissal of Fontes from this action.

13 3. On March 17, 2017, Defendant Michele Reagan, in her official capacity as  
14 Secretary of State, State of Arizona, stated, through counsel, that she would not agree to the  
15 dismissal.

16 4. Under Federal Rule of Civil Procedure 41(a)(2), the Court may, “at the  
17 plaintiff’s request,” dismiss an action on “terms that the court considers proper.” Here, in  
18 light of the resolution of the claims between Project Vote and Fontes, dismissal is proper as  
19 to those claims against Defendant Fontes.

20 5. This motion does not affect Project Vote’s claims against the other defendants  
21 in this litigation, which continues as against Defendant Michele Reagan, in her official  
22 capacity as Secretary of State, State of Arizona; and against Defendant F. Ann Rodriguez, in  
23 her official capacity as County Recorder of Pima County.

24 WHEREFORE, Project Vote respectfully requests that this Court dismiss the above-  
25 captioned action, as to Defendant Fontes only, without prejudice and pursuant to Rule  
26 41(a)(2) of the Federal Rules of Civil Procedure.

1 Dated: March 17, 2017

2 Respectfully submitted,

3 PROJECT VOTE, INC.

4 By: s/Amanda Jenkins

5 Cynthia A. Ricketts

6 Amanda Jenkins

7 SACKS, RICKETTS & CASE LLP

8 2800 N. Central Avenue, Suite 1230

9 Phoenix, AZ 85004

(602) 385-3370

cricketts@srclaw.com

10 and

11 Allison L. Kierman

12 KIERMAN LAW PLC

13 14362 N Frank Lloyd Wright Boulevard

14 Suite 1000

15 Scottsdale, AZ 85260

16 (480) 719-7333

17 akierman@kiermanlaw.com

18 and

19 Michelle E. Kanter Cohen (*pro hac vice*)

20 PROJECT VOTE, INC.

21 1420 K Street NW

22 Suite 700

23 Washington, DC 20005

24 (202) 546-4173

25 mkantercohen@projectvote.org

26 and

27 Colleen A. Conry (*pro hac vice*)

28 David E. Rhinesmith (*pro hac vice*)

Emerson A. Siegle (*pro hac vice*)

ROPES & GRAY LLP

2099 Pennsylvania Ave NW

Washington, DC 20006

(202) 508-4600

colleen.conry@ropesgray.com

david.rhinesmith@ropesgray.com

*Attorneys for Plaintiff*

*Project Vote, Inc.*