

Michael E. Bern #994791 (DC)
Allen M. Gardner, #456723 (DC)
Danielle McCall, #1612728 (DC)
Gemma Donofrio, #1719742 (DC)
Latham & Watkins LLP
555 Eleventh Street, N.W., Suite 1000
Washington, DC 20004-1304
Phone: (202) 637-2200
Fax: (202) 637-2201
Email: Michael.Bern@lw.com
Email: Allen.Gardner@lw.com
Email: Danielle.McCall@lw.com
Email: Gemma.Donofrio@lw.com

Attorneys for Plaintiffs

Howard A. Belodoff, ISB # 2290
Idaho Legal Aid Services, Inc.
1447 South Tyrell Dr.
Boise, ID 83706
Phone: (208) 336-8980
Fax: (208) 342-2561
Email: howardbelodoff@idaholegalaid.org

Eric Tars # 94857 (PA)
National Homelessness Law Center
2000 M St., N.W., Suite 210
Washington, DC 20036
Phone: (202) 638-2535
Fax: (202) 628-2737
Email: etars@nlchp.org

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

ROBERT MARTIN, et al.,

Plaintiffs,

v.

CITY OF BOISE, et al.,

Defendants.

) Case No. 1:09-cv-0540-REB
)

) **JOINT MOTION FOR DISMISSAL WITH
) PREJUDICE**
)
)
)
)
)

Plaintiffs Robert Martin, Pamela Hawkes, and Robert Anderson (“Plaintiffs”) and Defendant City of Boise (“Defendant”) (collectively, “the Parties”), pursuant to Fed. R. Civ. P. 41(a), report that they have reached a settlement of the claims in this action, as described in the Settlement Agreement Term Sheet attached as Exhibit A to this filing. Pursuant and subject to the terms of the Parties’ Settlement Agreement, attached hereto as Exhibit B, and conditional on (1) approval by the City of Boise of the terms of the Settlement Agreement, (2) the appropriation of funds as set out in the Settlement Agreement, and (3) amendment of the Camping and Disorderly Conduct Ordinances, attached as Exhibits C and D, as agreed to by the Parties, the Parties hereby move for an order dismissing all claims in this action with prejudice, subject to the terms of the Settlement Agreement. Each party will pay its own costs, expenses, and attorneys’ fees except as otherwise set forth in the Settlement Agreement. Conditional on approval by the City of Boise of the terms of the settlement, the appropriation of funds as set out in the Settlement Agreement, and amendment of the Camping and Disorderly Conduct Ordinances as agreed to by the Parties, the Court’s dismissal of this action with prejudice shall operate as a release of the City (including its agents, officers, and employees) from all remaining claims in this case. The parties will notify the Court when the aforementioned conditions of the settlement are met.

Dated: February 8, 2021

/s/ Howard A. Belodoff
Howard A. Belodoff, ISB #2290
IDAHO LEGAL AID SERVICES, INC.
howardbelodoff@idaholegalaid.org

/s/ Michael E. Bern
Michael E. Bern #994791 (DC)
Allen M. Gardner, #456723 (DC)
Danielle McCall, #1612728 (DC)
Gemma Donofrio, #1719742 (DC)
Latham & Watkins LLP
Michael.Bern@lw.com

/s/ Eric Tars

Eric Tars, # 94857 (PA)
National Homelessness Law Center.
etars@nlchp.org

Attorneys for Plaintiffs

/s/ Jayme Sullivan

Jayme Sullivan, # 6258 (ID)
Scott Muir, # 4229 (ID)
Boise City Attorney's Office
JSullivan@cityofboise.org

Attorneys for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 8th day of February, 2021, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Steven R. Kraft, Attorney for Defendant City of Boise, Idaho
steve@melaw.net

Michael W. Moore, Attorney for Defendant City of Boise, Idaho
mike@melawfirm.net

Scott B. Muir, Attorney for Defendant City of Boise, Idaho
SMuir@cityofboise.org

Jayme Sullivan, Attorney for Defendant City of Boise, Idaho
jsullivan@cityofboise.org

Sharon Brett, Attorney for the U.S.
Sharon.brett@usdoj.gov

/s/ /Michael E. Bern
Michael Bern