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Attorney for Defendants

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

LEILA N. SADAT; K. ALEXA KOENIG; NAOMI
ROHT-ARRIAZA; and STEVEN M. WATT,

Plaintiffs,

v.

JOSEPH R. BIDEN, JR., in his official capacity as
President of the United States; U.S. DEPARTMENT
OF STATE; ANTONY J. BLINKEN, in his official
capacity as Secretary of State; U.S. DEPARTMENT
OF THE TREASURY; JANET L. YELLEN, in her
official capacity as Secretary of the Treasury; U.S.
DEPARTMENT OF JUSTICE; MERRICK B. GAR-
LAND, in his official capacity as Attorney General;

Civil Case No.: 3:21-cv-00416-CRB

**STIPULATION OF DISMISSAL UNDER
FED. R. CIV. P. 41(a)**

1 OFFICE OF FOREIGN ASSETS CONTROL; and
2 BRADLEY T. SMITH, in his official capacity as Act-
ing Director of the Office of Foreign Assets Control,

3 Defendants.¹

4 Pursuant to Civil Local Rule 7-12, Plaintiffs and Defendants (collectively, the “Parties”) hereby
5 stipulate as follows:

6 **STIPULATION**

7 **WHEREAS**, on January 15, 2021, Plaintiffs filed a complaint, Dkt. No. 1, commencing the
8 above-captioned action (the “Action”) against Defendants;

9 **WHEREAS**, the Action challenges the lawfulness of Executive Order 13,928 (the “Executive
10 Order”), the designations of Ms. Fatou Bensouda and Mr. Phakiso Mochochoko pursuant to the Execu-
11 tive Order (the “Designations”), and the regulations implementing the Executive Order, 31 C.F.R.
12 §§ 520.101 *et seq.* (the “Regulations”), and seeks “a declaration invalidating the Executive Order and its
13 implementation, and an order enjoining Defendants from implementing or enforcing the Executive Or-
14 der and from enforcing IEEPA’s civil or criminal penalty provisions against Plaintiffs,” *see* Dkt. No. 1, ¶
15 6;

16 **WHEREAS**, on March 12, 2021, Plaintiffs filed a motion for preliminary injunction (and sup-
17 porting declarations), Dkt. No. 42, seeking a preliminary injunction “prevent[ing] Defendants . . . from
18 imposing civil or criminal penalties on Plaintiffs, their students, support staff, and others working with
19 them at their respective institutions in support of the International Criminal Court . . . and the [Interna-
20 tional Criminal Court’s] Office of the Prosecutor . . . , specifically for violating sanctions imposed by
21 Defendants on the Prosecutor of the ICC, Ms. Fatou Bensouda, and the director of the OTP’s Jurisdic-
22 tion, Complementarity and Cooperation Division, Mr. Phakiso Mochochoko,” *see* Dkt. No. 42, at 1;

23 **WHEREAS**, on April 1, 2021, President Joseph R. Biden, Jr. issued Executive Order 14,022,
24 which terminated the national emergency declared in the Executive Order and revoked that order;

25
26
27
28 ¹ Pursuant to Federal Rule of Civil Procedure 25(d), the Defendants originally named in this action have
been substituted with the names of their successors in office.

1 **WHEREAS**, Section 2 of Executive Order 14,022 states that “termination of the national emer-
2 gency declared in Executive Order 13928 shall not affect any action taken or proceeding pending not
3 finally concluded or determined as of the date of this order, any action or proceeding based on any act
4 committed prior to the date of this order, or any rights or duties that matured or penalties that were in-
5 curred prior to the date of this order”;

6 **WHEREAS**, despite the fact that the revocation of the Executive Order does not affect “any ac-
7 tion or proceeding based on any act committed prior to the date of this order,” Defendants do not intend
8 to, and will not enforce IEEPA’s penalty provisions against Plaintiffs for any of the conduct described in
9 Plaintiffs’ complaint, Plaintiffs’ motion for preliminary injunction, or the declarations filed in support of
10 Plaintiffs’ motion for preliminary injunction;

11 **WHEREAS**, on April 8, 2021, Plaintiffs withdrew their motion for preliminary injunction, *see*
12 Dkt. No. 49;

13 **WHEREAS**, the Court has not issued a final judgment in this Action;

14 **IT IS HEREBY STIPULATED AND AGREED** by and among the Parties, by and through
15 their respective undersigned counsel, that:

- 16 1. This Action is hereby dismissed without prejudice, with each party to bear its own costs,
17 expenses, and fees, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.
- 18 2. Counsel for Plaintiffs will file this Stipulation of Dismissal via the ECF system on behalf
19 of all parties.
- 20 3. Upon entry of this Stipulation on the docket of the Court, this case shall be closed.

1 DATED: May 24, 2021

Respectfully submitted,

2
3 By: /s/ Trisha B. Anderson

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Attorney for Defendants

FILER'S ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3), I, Trisha B. Anderson, hereby attest that concurrence in the filing of this document has been obtained from each of the above signatories.

Dated: May 24, 2021

By: /s/ Trisha B. Anderson
Trisha B. Anderson