

1 THOMAS A. SAENZ – Cal. Bar No. 159430\*  
 tsaenz@maldef.org  
 2 ERNEST I. HERRERA – Tex. Bar No. 24094718\*  
 eherrera@maldef.org  
 3 MEXICAN AMERICAN LEGAL DEFENSE AND  
 EDUCATIONAL FUND (MALDEF)  
 4 634 S. Spring St.  
 11th Floor  
 5 Los Angeles, CA 90014  
 Telephone: (213) 629-2512 ext. 121  
 6 Facsimile: (213) 629-0266

7 E. MARTIN ESTRADA – Cal. Bar No. 223802\*  
 martin.estrada@mto.com  
 8 BRANDON E. MARTINEZ – Cal. Bar No. 318749\*  
 brandon.martinez@mto.com  
 9 ABRAHAM REJWAN OVIED – Cal. Bar No. 335927\*  
 avi.oved@mto.com

10 MUNGER, TOLLES & OLSON LLP  
 350 South Grand Avenue  
 11 Fiftieth Floor  
 Los Angeles, California 90071-3426  
 12 Telephone: (213) 683-9100  
 Facsimile: (213) 687-3702

13 DANIEL R. ORTEGA JR. – Ariz. Bar No. 005015  
 14 danny@ortegalaw.com  
 ORTEGA LAW FIRM, P.C.  
 15 361 East Coronado Road, Ste. 101  
 Phoenix, Arizona 85004  
 16 Telephone: (602) 386-4455  
 Facsimile: (602) 386-4480

17 \* *Pro Hac Vice* granted  
 18 Attorneys for Plaintiffs  
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20 **UNITED STATES DISTRICT COURT**  
 21 **DISTRICT OF ARIZONA**

22 Puente Human Rights Movement;  
 23 Chicanos Por La Causa, Inc.;

24 and

25 The Florence Immigrant & Refugee Rights  
 Project, Inc.,

26 Plaintiffs,

27 vs.

28

Case No. 2:21-CV-00446-JJT

**STIPULATION OF VOLUNTARY  
 DISMISSAL WITHOUT PREJUDICE  
 UNDER FED. R. CIV. P. 41(a)(1)**

1 Mark Brnovich, in his official capacity as  
Attorney General of Arizona;

2 Alejandro Mayorkas, in his official  
3 capacity as Secretary of Homeland  
Security;

4 John K. Tien, in his official capacity as  
5 Deputy Secretary of Homeland Security;<sup>1</sup>

6 Tracy Renaud, in her official capacity as  
7 Senior Official Performing the Duties of  
the Director of U.S. Citizenship and  
Immigration Services;

8 Tae D. Johnson, in his official capacity as  
9 Acting Director for U.S. Immigration and  
Customs Enforcement;

10 Troy Miller, in his official capacity as  
11 Senior Official Performing the Duties of  
the Commissioner of U.S. Customs and  
12 Border Protection;

13 United States Department of Homeland  
Security;

14 United States Citizenship and Immigration  
15 Services;

16 United States Immigration and Customs  
Enforcement;

17 and

18 United States Customs and Border  
19 Protection,

20 Defendants.

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27 <sup>1</sup> Under Fed. R. Civ. P. 25(d), Defendant Tien is automatically substituted as a party in  
28 place of former defendant David Pekoske.

1                   **STIPULATION OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE**

2                                   **UNDER FED. R. CIV. P. 41(a)(1)**

3                   WHEREAS the Plaintiffs, Defendant Mark Brnovich, and the Federal Defendants<sup>2</sup>  
4 (collectively “the Parties”) agree as follows:

5                               (1)     In a letter dated February 2, 2021, Defendant Department of Homeland  
6 Security (“DHS”) stated that the Sanctuary for Americans First Enactment  
7 Agreement (the “SAFE Agreement”) signed by Kenneth T. Cuccinelli and Defendant  
8 Mark Brnovich, the Attorney General of Arizona, was “void” and unenforceable, and,  
9 in the alternative, gave notice that DHS “rescinds, withdraws, and terminates” the  
10 SAFE Agreement;

11                              (2)     As a result of the DHS’s February 2, 2021 letter, the SAFE Agreement  
12 has never been operationalized;

13                              (3)     Federal Defendants represent that they do not seek to enforce the SAFE  
14 Agreement, and Defendant Brnovich represents that he does not seek to enforce the  
15 SAFE Agreement in court by specific performance;

16                              (4)     The SAFE Agreement, by its terms, will expire by August 1, 2021, at  
17 the latest;

18                              (5)     Fed. R. Civ. P. 41(a)(1)(A)(ii) permits a plaintiff voluntarily to dismiss  
19 an action without prejudice and without a court order by filing a stipulation signed by  
20 all parties who have appeared,

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23 \_\_\_\_\_  
24 <sup>2</sup> Alejandro N. Mayorkas, in his official capacity as Secretary of Homeland Security; John  
25 K. Tien, in his official capacity as Deputy Secretary of Homeland Security; Tracy Renaud,  
26 in her official capacity as Acting Director of U.S. Citizenship and Immigration Services;  
27 Tae D. Johnson, in his official capacity as Acting Director for U.S. Immigration and  
28 Customs Enforcement; Troy Miller, in his official capacity as Acting Commissioner of  
U.S. Customs and Border Protection; U.S. Department of Homeland Security; U.S.  
Citizenship and Immigration Services; U.S. Immigration and Customs Enforcement; and  
U.S. Customs and Border Protection.

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IT IS HEREBY STIPULATED AND AGREED, pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), by and between the Parties, through their undersigned counsel(s), that the above-captioned action is dismissed without prejudice. Each party is to bear its own fees and costs.

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Dated: July 12, 2021

Respectfully submitted,

Bv:       /s/ Anthony R. Napolitano        
ANTHONY R. NAPOLITANO  
Assistant Attorney General  
Office of the Arizona Attorney General  
2005 N. Central Ave.  
Phoenix, Arizona 85004  
Telephone: (602) 542-3333  
Facsimile: (602) 542-8308  
Email: ACL@azag.gov  
      Anthony.NApolitano@azag.gov

*Counsel for Defendant Mark Brnovich*

Bv:       /s/ E. Martin Estrada        
E. MARTIN ESTRADA  
Martin.Estrada@mto.com  
(*Pro Hac Vice* granted)  
BRANDON E. MARTINEZ  
Brandon.Martinez@mto.com  
(*Pro Hac Vice* granted)  
ABRAHAM REJWAN OVIED  
avi.oved@mto.com  
(*Pro Hac Vice* granted)  
MUNGER, TOLLES & OLSON LLP  
350 South Grand Avenue, 50th Floor  
Los Angeles, California 90017  
Telephone: (213) 683-9100  
Facsimile: (213) 687-3702

THOMAS A. SAENZ  
tsaenz@maldef.org  
(*Pro Hac Vice* granted)  
ERNEST I. HERRERA  
eherrera@maldef.org  
(*Pro Hac Vice* granted)  
MEXICAN AMERICAN LEGAL  
DEFENSE AND EDUCATIONAL FUND  
634 South Spring Street  
Los Angeles, California 90014  
Telephone: (213) 629-2512  
Facsimile: (213) 629-0266

DANIEL R. ORTEGA JR.  
danny@ortegalaw.com  
ORTEGA LAW FIRM, P.C.  
361 East Coronado Road, Ste. 101  
Phoenix, Arizona 85004  
Telephone: (602) 386-4455  
Facsimile: (602) 376-4480

*Counsel for Plaintiffs*

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Bv:           /s/ Brian C. Rosen-Shaud          

BRIAN M. BOYNTON  
Acting Assistant Attorney General

BRIGHAM J. BOWEN  
Assistant Branch Director  
Federal Programs Branch

Brian C. Rosen-Shaud (ME Bar No.  
006018)  
Adam Kirschner (IL Bar No. 6286601)  
Michael F. Knapp (CA Bar No. 314104)  
Kuntal Cholera (DC Bar No. 1031523)  
U.S. Department of Justice  
Civil Division, Federal Programs Branch  
1100 L Street, NW  
Washington, D.C. 20530  
(202) 305-7667 (telephone)  
(202) 616-8470 (facsimile)  
Email: Brian.C.Rosen-Shaud@usdoj.gov  
Adam.Kirschner@usdoj.gov  
Michael.F.Knapp@usdoj.gov  
Kuntal.Cholera@usdoj.gov

*Counsel for Federal Defendants*