

Case No. 18-36082

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

KELSEY CASCADIA ROSE JULIANA, *et al.*,
Plaintiffs-Appellees,

v.

UNITED STATES OF AMERICA, *et al.*,
Defendants-Appellants.

On Interlocutory Appeal from the United States District Court
for the District of Oregon (No. 6:15-cv-01517-AA)

**UNOPPOSED MOTION TO WITHDRAW PLAINTIFFS-APPELLEES'
MOTION TO STAY THE MANDATE PENDING FILING AND
DISPOSITION OF A PETITION
FOR A WRIT OF CERTIORARI**

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Based on positions taken in the Opposition to the instant Motion filed by Defendants-Appellants (Dkt. 202), Plaintiffs-Appellees hereby move to withdraw their Motion to Stay the Mandate.¹ In their Opposition, Defendants-Appellants take the positions that:

- “The Court’s mandate does not alter the status quo, so its issuance will not harm Plaintiffs.” (Page 5.)
- “Dismissal of the case at this juncture would not prevent Plaintiffs from obtaining relief . . .” (Page 8.)
- “Dismissal will not affect the Supreme Court’s jurisdiction . . .” (*Id.*)
- “[I]ssuance of the mandate is no impediment to settlement. As long as a case is pending—even if it is pending in the Supreme Court—it can be settled.” (Page 9.)

Because Defendants’ position is clear that the issuance of the mandate does not preclude settlement or Plaintiffs’ ability to seek future relief from the issuance of the mandate, Plaintiffs respectfully withdraw their motion to stay issuance of the mandate pending the filing and disposition of a petition for a writ of certiorari in the Supreme Court of the United States so that the mandate may issue.

¹ In response to a request for the position of Defendants on this Motion, on March 3, 2021, counsel for Defendants responded that they do not oppose withdrawal of the Motion to Stay the Mandate.

DATED this 5th day of March, 2021, at Redwood City, CA.

Respectfully submitted,

s/ Philip L. Gregory

PHILIP L. GREGORY

JULIA A. OLSON

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Attorneys for Plaintiffs-Appellees

CERTIFICATE OF COMPLIANCE

I hereby certify that pursuant to Circuit Rule 40-1, this Unopposed Motion to Withdraw Plaintiffs-Appellees' Motion to Stay the Mandate Pending Filing and Disposition of a Petition for a Writ of Certiorari is proportionately spaced, has a typeface of 14 points or more, and contains 250 words.

DATED: March 5, 2021

s/ Philip L. Gregory
PHILIP L. GREGORY

CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2021, I electronically filed the foregoing Unopposed Motion to Withdraw Plaintiffs-Appellees' Motion to Stay the Mandate Pending Filing and Disposition of a Petition for a Writ of Certiorari with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

DATED: March 5, 2021

s/ Philip L. Gregory
PHILIP L. GREGORY