

THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF TEXAS
 FORT WORTH DIVISION

EXXON MOBIL CORPORATION,

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Plaintiff,

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§

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v.

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NO. 4:16-CV-00364-K

§

CLAUDE EARL WALKER, Attorney
 General of the United States Virgin Islands,
 in his official capacity, LINDA SINGER,
 and COHEN, MILSTEIN, SELLERS &
 TOLL PLLC,

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Defendants.

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JOINT STIPULATION OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties hereby jointly stipulate to the dismissal of this action.

1. On March 22, 2016, Plaintiff Exxon Mobil Corporation (“ExxonMobil”) received a subpoena issued by Defendant Claude Earl Walker, the Attorney General of the Virgin Islands (“Attorney General Walker”), who caused the subpoena to be mailed by the Virgin Islands’ outside counsel, Cohen, Milstein, Sellers & Toll PLLC. (ECF No. 13-4 at App. 144-62.)

2. On April 13, 2016, ExxonMobil filed a petition in the 17th Judicial District Court of Tarrant County, Texas generally seeking declarations that the issuance of the subpoena violated ExxonMobil’s rights under the First, Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, the Texas Constitution, and Texas common law. (ECF No. 13-5 at App. 188-214.)

3. On May 18, 2016, Defendants filed a notice of removal, whereby ExxonMobil's state court action was removed to this Court. (ECF No. 13-6 at App. 237-44.) ExxonMobil filed a motion to remand this action to state court on May 23, 2016, which this Court denied on June 21, 2016. (ECF No. 11 at 1-4; ECF No. 38.)

4. On June 21, 2016, this Court directed the parties to hold a scheduling conference no later than July 11, 2016, and to file a joint report within ten days of that conference. (ECF No. 39.) After conferring on the matter, the parties mutually agreed that Attorney General Walker will withdraw the subpoena and ExxonMobil will stipulate to the dismissal without prejudice of this action.

5. Accordingly, ExxonMobil hereby stipulates to the dismissal of this action without prejudice to its right to assert the same or similar claims against some or all of the Defendants and Attorney General Walker agrees to withdraw the subpoena.

WHEREFORE, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), each of the parties stipulate to the dismissal of this action without prejudice, with each party to bear its own costs and attorneys' fees.

Dated: June 29, 2016

EXXON MOBIL CORPORATION

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