

No. 17-56241

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

JOSE JACOBO et al.,

Plaintiff-Appellant,

v.

ROSS STORES, INC., et al.,

Defendant-Appellee.

STIPULATION TO DISMISS APPEAL WITHOUT PREJUDICE

Appeal from the United States District Court for the Central District of California,
Case No. 2:15-cv-04701-MWF-AGRx, Judge Michael W. Fitzgerald

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Pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure, appellants Jose Jacobo and Theresa Metoyer, and appellee Ross Stores, Inc. (the “Parties”), having reached a proposed settlement of the present matter during a mediation process facilitated by Kay Suk, mediator for the U.S. Court of Appeals for the Ninth Circuit, stipulate that this Court dismiss this appeal without prejudice to reinstatement in order to allow the Parties to seek entry of an order by the United States District Court for the Central District of California to approve continuing jurisdiction for purpose of vacating the judgment and enforcing the terms of the settlement agreement, with each party to bear their own fees and costs.

The Parties request the appeal be dismissed without prejudice to appellants Jacobo and Metoyer reinstating the appeal within twenty-eight (28) days of the district court’s order denying vacatur of the judgment. Under such circumstances, appellee Ross Stores, Inc. hereby waives any rights to oppose appellants’ application to reinstate the appeal on any grounds other than timeliness.

IT IS SO STIPULATED.

Dated: December 1, 2017

DOUGLAS CAIAFA, A PLC

By:

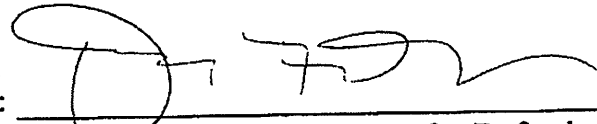


Douglas Caiafa
Attorneys for Plaintiff-Appellants JOSE
JACOBO and THERESA METOYER

Dated: December 1, 2017

MORRISON & FOERSTER LLP

By:

A handwritten signature in black ink, appearing to read "D. McDowell", written over a horizontal line.

David McDowell, Attorneys for Defendant-
Appellee ROSS STORES, INC.

9th Circuit Case No. 17-56241

CERTIFICATE OF SERVICE

When all Case Participants are Registered for the Appellate CM/ECF System

I hereby certify that I electronically filed the foregoing:

STIPULATION TO DISMISS APPEAL WITHOUT PREJUDICE

with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on **December 1, 2017**.

I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

Signature (use "s/" format) *s/Douglas Caiafa*

CERTIFICATE OF SERVICE

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I hereby certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing documents by first class mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants.

Signature (use "s/" format)