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*Attorneys for Plaintiff*

UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA  
MISSOULA DIVISION

KEILA CROSS, on behalf of herself and  
all others similarly situated,

*Plaintiff,*

v.

ALLIED WASTE SERVICES OF NORTH  
AMERICA, LLC, D/B/A REPUBLIC  
SERVICES,

*Defendant.*

CV 21-145-M-SEH

**STIPULATION FOR DISMISSAL  
WITH PREJUDICE**

The parties hereby jointly stipulate under Federal Rule of Civil Procedure 41(a)(1)(A)(ii) to dismiss this case with prejudice, each party to bear their own fees and costs. Under this rule, a plaintiff “may dismiss an action without a court order by filing...a stipulation of dismissal signed by all parties who have appeared.”

Each of the parties who have appeared have signed this stipulation.<sup>1</sup>

May 12, 2023.

PARSONS BEHLE & LATIMER  
*Attorneys for Plaintiff*

/s/ Jesse Kodadek  
Jesse Kodadek

CROWLEY FLECK PLLP  
*Attorneys for Defendant*

/s/ Jeffrey M. Roth  
Jeffrey M. Roth

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<sup>1</sup> The parties note that Rule 41 states that stipulations to dismiss under Rule 41(a)(1)(A) “without court order” are subject to “Rule 23(e),” which address class actions, and this case is a putative class action. But Rule 23(e), Fed. R. Civ. P., only contemplates court approval of voluntary dismissals where there is “a certified class” or a “class proposed to be certified for purposes of settlement.”

Here, neither of those events has occurred and therefore this stipulation is effective without court approval. *See, e.g.*, Manual for Complex Litigation Fourth §21.61 n.948 (“**Rule 23(e) does not require court approval when the parties voluntarily dismiss class allegations before certification.**” (Emphasis added.)); Committee Note on 2003 Amendment to Rule 23 (“Rule 23(e)(1)(A) resolves the ambiguity in former Rule 23(e)’s reference to dismissal or compromise of ‘a class action.’ ...The new rule requires approval only if the claims, issues, or defenses of a certified class are resolved by a settlement, voluntary dismissal, or compromise.”).

**Certificate of Service**

I certify that this document was filed on the date indicated above, and that counsel for each party to the case is registered with the Court's CM/ECF system.

/s/ Jesse Kodadek