

The Honorable Robert S. Lasnik

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

IN RE: PETITION OF INDEX  
NEWSPAPERS LLC D/B/A THE  
STRANGER TO UNSEAL ELECTRONIC  
SURVEILLANCE DOCKETS,  
APPLICATIONS, AND ORDERS

CASE No. 17-MC-145-RSL

**STIPULATED DISMISSAL  
WITHOUT PREJUDICE**

Petitioner Index Newspapers LLC d/b/a The Stranger, by and through its attorneys of record Geoffrey M. Godfrey and Aaron Mackey, and the United States Attorney’s Office for the Western District of Washington, by and through Helen J. Brunner, First Assistant United States Attorney, stipulate to the Court’s entry of the enclosed Proposed Order to dismiss this action without prejudice under Federal Rule of Civil Procedure 41(a)(2) with each party to bear its own fees and costs.

On December 19, 2018, the United States Attorney’s Office for the Western District of Washington (USAO) and the Clerk of the Court for the Western District of Washington (Clerk) signed a Memorandum of Understanding (MOU) for a two-year pilot program governing the procedures by which the USAO seeks, and the Clerk docket, orders authorizing the use of certain investigative processes so as to make more information about the use of those processes available prospectively through reports created from the PACER system. This two-year pilot

1 program was launched on January 1, 2019. A copy of the MOU will be posted on the Court's  
2 website while it remains in effect.

3 Petitioner appreciates the progress reflected in the MOU and is looking forward to the  
4 results of the two-year pilot program. Petitioner believes it would be productive to allow the pilot  
5 program to run its course before deciding what additional relief if any is needed. Accordingly,  
6 Petitioner and the USAO have agreed to dismiss this action without prejudice, with each party to  
7 bear its own fees and costs.

8 Before January 2021, the USAO will notify Petitioner, through its counsel, whether the  
9 pilot program will be extended and whether any changes will be made to it. The parties have  
10 agreed that no fees or costs shall be awarded under Federal Rule of Civil Procedures 41(d) if  
11 Petitioner files a new action based on or including the same claims.

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1 Dated: January 16, 2019

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

1 I hereby certify that on January 16, 2019, I electronically filed the foregoing with the  
2 Clerk of Court using the CM/ECF system which will send notification of such filing to the  
3 attorneys of record.  
4

5 /s/ Gregore J. Sambor

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