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# United States Court of Appeals

For the Seventh Circuit  
Chicago, Illinois, 60604

U.S. Circuit  
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JAN 6 2009

GINO J. AGNELLO  
CLERK

No. 08-4112

OTIS McDONALD, ADAM ORLOV, )  
 COLLEEN LAWSON, DAVID LAWSON, )  
 ILLINOIS STATE RIFLE ASSOCIATION, and )  
 SECOND AMENDMENT FOUNDATION, INC., )  
 )  
 Appellants, )  
 )  
 v. )  
 )  
 CITY OF CHICAGO, )  
 )  
 Appellee. )  
 \_\_\_\_\_ )

Appeal from the United States District Court for the Northern District of Illinois, Eastern Division

Case No. 08-CV-3645

Milton I. Shadur, Judge

U.S.C.A. - 7th Cir.  
FILED  
JAN 6 - 2009 600  
GINO J. AGNELLO  
CLERK

## APPELLANTS' AGREED F.R.APP.P. 42(b) MOTION FOR VOLUNTARY DISMISSAL

COME NOW APPELLANTS Otis McDonald, Adam Orlov, Colleen Lawson, David Lawson, Second Amendment Foundation, Inc., and Illinois State Rifle Association, by and through undersigned counsel, and in agreement with the Appellee, City of Chicago, move this Honorable Court, pursuant to F.R.App.P. 42(b), to voluntarily dismiss this appeal while keeping Appeal No 08-4244 active and pending. In support thereof, Appellants state as follows:

1. This appeal was filed on December 5, 2008, following the permanent denial of injunctive relief by the District Court on December 4, 2008. Appellants claimed jurisdiction in this Court was proper under 28 U.S.C. § 1292(a)(1).

2. Since that date, the District Court entered a final Order in the underlying case on December 18, 2008. Appellants filed a second Notice of Appeal that same day, and the matter was docketed in this Court under 08-4244. That matter remains pending.

3. On December 31, 2008, this Court requested that Appellants file a brief stating why the instant appeal (08-4112) should not be dismissed in light of the later appeal (citing *Harris v. Bellin Memorial Hospital*, 13 F.3d 1082, 1083 (7<sup>th</sup> Cir. 1994)). Counsel for Appellants received this Order on January 5, 2008, the first working day of the new year.

4. After discussions with counsel for Appellee (Suzanne M. Loose, Esq.), Appellants have agreed to voluntarily dismiss this appeal (08-4112) pursuant to F.R.App.P. 42(b), while keeping the later appeal (08-4244) pending.

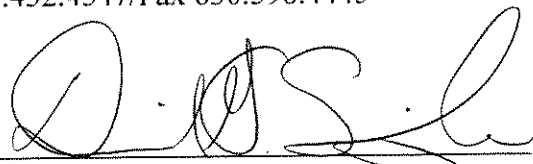
5. The parties also agree that each party shall bear its own costs incurred to date, and that no fees are due.

WHEREFORE, Appellants respectfully request, in agreement with counsel for Appellee, that this matter be voluntarily dismissed pursuant to F.R.App.P. 42(b), all costs to be paid by the respective parties, no further costs or fees being due, and that Appeal No. 08-4244 shall remain active and pending.

Dated: January 5, 2009

Respectfully submitted,

David G. Sigale (Atty. ID# 6238103)  
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By:   
David G. Sigale  
Attorney for Plaintiffs

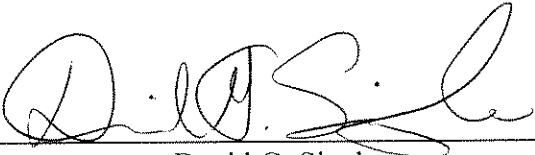
**CERTIFICATE OF SERVICE**

I, David G. Sigale, Esq., pursuant to F.R.App.P. 25(d)(1)(B), certify that I mailed a copy of this Appellants' Agreed F.R.App.P. 42(b) Motion for Voluntary Dismissal to Suzanne M.

Loose, Esq., counsel for the Defendant-Appellee City of Chicago, at the following address:

City of Chicago Department of Law  
Appeals Division  
30 North LaSalle Street, Suite 800  
Chicago, IL 60602

on January 6, 2009, by U.S. Mail, postage prepaid, from Wheaton, Illinois.



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