

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

SECOND AMENDMENT
FOUNDATION, et al.

Plaintiffs

vs.

Case No. 1:99CV03181 (JR)

UNITED STATES CONFERENCE OF
MAYORS, et al.

Defendants.

FILED

APR 28 2000

~~NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT~~

**STIPULATION AND ORDER FOR DISMISSAL OF DEFENDANTS
MAYOR GANIM OF THE CITY OF BRIDGEPORT AND MAYOR
PENALAS OF THE CITY OF MIAMI-DADE COUNTY**

Plaintiffs and Defendants hereby stipulate and agree to the following stipulation and order for the dismissal of Defendant Mayor Joseph P. Ganim of the City of Bridgeport and Defendant Mayor Alex Penalas of the City of Miami-Dade County (hereinafter "Defendants Mayor Ganim and Mayor Penalas"):

1. Defendants Mayor Ganim and Mayor Penalas hereby adopt in whole Certain Defendants' Motion to Dismiss for Lack of Standing and Failure to State Any Claim Pursuant to Federal Rule of Civil Procedure 12(b)(2) and Memorandum in Support of Certain Defendants' Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(2), previously filed with the Court on March 10, 2000, a copy of which is attached hereto as Exhibit A.

2. The Declaration of Michael Lupkas in support of Defendant Mayor Ganim's Motion to Dismiss under Fed. R. Civ. P. 12(b)(2) is hereby submitted to establish that the City of Bridgeport has no contacts in the District of Columbia, attached herewith as Exhibit B.

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3. The Declaration of Merrett R. Stierheim in support of Defendant Mayor Penalas' Motion to Dismiss under Fed. R. Civ. P. 12(b)(2) is hereby submitted to establish that the City of Miami-Dade County has no contacts in the District of Columbia, attached herewith as Exhibit C.

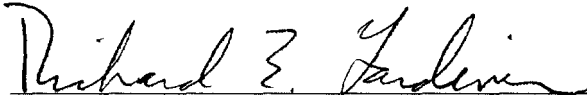
4. Defendants Mayor Ganim and Mayor Penalas hereby adopt in whole Certain Defendants' Motion to Dismiss for Lack of Standing and Failure to State Any Claim Pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(6) and Memorandum in Support of Certain Defendants' Motion to Dismiss for Lack of Standing and Failure to State Any Claim Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), previously filed with the Court on March 10, 2000, a copy of which is attached hereto as Exhibit D.

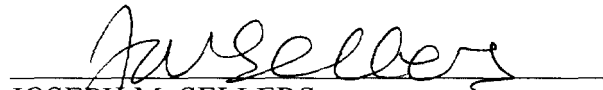
5. On March 14, 2000, the court entered an Order granting the motion to dismiss of defendants Mayors Sills and Harmon under Fed. R. Civ. P. 12(b)(2) for lack of personal jurisdiction and declaring as moot the motion to dismiss of Mayors Sills and Harmon for failure to state a claim upon which relief can be granted under Fed. R. Civ. P. 12(b)(1) and 12(b)(6), attached hereto as Exhibit E.

6. It is hereby stipulated by and between the parties, by and through their undersigned attorneys, that Defendants Mayor Ganim of the City of Bridgeport and Mayor Penalas of the City of Miami-Dade County shall be granted the same relief as defendants Mayors Sills and Harmon. Therefore, the parties hereby agree to this stipulation and order granting Defendants Mayor Ganim's and Mayor Penalas' motion to dismiss under Fed. R. Civ. P. 12(b)(2) for lack of personal jurisdiction and that judgment on this dismissal may be entered hereon pursuant hereto without further notice as agreed by the parties.

IT IS SO STIPULATED.

Respectfully submitted,


RICHARD E. GARDINER 4/28/00
Counsel for Plaintiffs


JOSEPH M. SELLERS
Counsel for Defendant Mayor Ganim, City of Bridgeport
and Defendant Mayor Penelas, City of Miami-Dade County

This matter having come before the Court upon the Stipulation of the parties hereto and the Court being fully advised,

IT IS HEREBY ORDERED that the Stipulation of the parties and the terms of which are hereby incorporated by reference in this ORDER be and the same hereby is made an ORDER of this Court this 28th day of April, 2000.


Honorable James Robertson
United States District Judge

Copies to:

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CERTIFICATE OF SERVICE

I hereby certify that on this 26 day of April, 2000, I caused a copy of the foregoing to be served via U.S. Mail, postage prepaid, on:

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