

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02408-RPM

DEBBIE BONIDY,
TAB BONIDY, and
NATIONAL ASSOCIATION FOR GUN RIGHTS,

Plaintiffs,

v.

UNITED STATES POSTAL SERVICE,
PATRICK DONAHOE, Postmaster General, and
STEVE RUEHLE, Postmaster, Avon, Colorado,

Defendants.

STIPULATION OF DISMISSAL OF DEBBIE BONIDY'S CLAIMS

Plaintiff Debbie Bonidy, and Defendants United States Postal Service, Patrick Donahoe, Postmaster General, and Steve Ruehle, Postmaster, Avon, Colorado, by and through their undersigned attorneys, hereby stipulate that Mrs. Bonidy's claims against Defendants are dismissed with prejudice. The grounds for this Stipulation are as follows:

1. Mrs. Bonidy is concerned that continuing as a plaintiff in this lawsuit will subject her to unwanted public attention.
2. The parties agree that dismissal of Mrs. Bonidy's claims will not prejudice the remaining parties.
3. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the parties agree that Mrs. Bonidy's claims should be dismissed with prejudice.

4. The parties further agree that this Stipulation has no effect on the claims of the remaining Plaintiffs, Tab Bonidy and the National Association For Gun Rights.

5. The parties further agree that, subject to the Federal Rules of Evidence, Defendants may continue to use any discovery obtained from Mrs. Bonidy in this litigation in support of their motion for summary judgment and in subsequent proceedings, up to and including trial. This discovery includes but is not limited to Mrs. Bonidy's deposition testimony; documents obtained from Mrs. Bonidy pursuant to requests from Defendants; and responses from Mrs. Bonidy to Defendants' requests for admissions. The parties further agree that any statements by Mrs. Bonidy contained therein shall be treated as non-hearsay statements by a party pursuant to Fed. R. Evid. 801(d)(2).

6. Each party will bear its own costs and attorneys' fees with respect to Mrs. Bonidy's claims.

DATED this 4th day of September 2012.

Respectfully submitted by:

/s/ James M. Manley
James M. Manley, Esq.
Mountain States Legal Foundation
2596 South Lewis Way
Lakewood, Colorado 80227
(303) 292-2021
(303) 292-1980 (facsimile)
jmanley@mountainstateslegal.com

Attorney for Plaintiffs

/s/ Lesley Farby
Lesley Farby, Esq.
United States Department of Justice
Civil Division, Federal Programs Branch
20 Massachusetts Ave. NW, Room 7220
P.O. Box 883
Washington, D.C. 20044
(202) 514-3481
(202) 616-8470 (facsimile)
Lesley.Farby@usdoj.gov

Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of September 2012, I filed the foregoing document using the CM/ECF system and caused counsel of record to be served electronically through the CM/ECF system.

/s/ James M. Manley
James M. Manley