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17  
18 **UNITED STATES DISTRICT COURT**  
19 **NORTHERN DISTRICT OF CALIFORNIA**  
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21 AMERICAN FEDERATION OF LABOR AND )  
CONGRESS OF INDUSTRIAL ORGANIZATIONS, *et* )  
22 *al.* )

23 Plaintiffs, )

24 v. )

25 MICHAEL CHERTOFF, *et al.* )

26 Defendants. )

) Case No. C07-4472 CRB

) **STIPULATION AND**  
) **~~PROPOSED~~ ORDER**  
) **DISMISSING ACTION AS MOOT**

) Place: Courtroom 8, 19th Floor  
) The Hon. Charles R. Breyer

1 WHEREAS, this action challenged the legality of the Final Rule issued by the Department of  
2 Homeland Security entitled "Safe-Harbor Procedures for Employers who Receive a No-Match  
3 Letter," 77 Fed. Reg. 45611 (Aug. 15, 2007) ("Safe Harbor Rule");

4 WHEREAS, the Safe Harbor Rule was rescinded during the pendency of this action and all  
5 parties agree that the action is now moot;

6 IT IS HEREBY STIPULATED by all parties that the Preliminary Injunction issued on  
7 October 15, 2007 should be vacated and that this action should be dismissed as moot.

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9 Dated: November 17, 2009 ALTSHULER BERZON LLP  
10  
11 by: /s/Scott A. Kronland  
12 Scott A. Kronland  
13 *Attorneys for Plaintiffs AFL-CIO et al.*

14 Dated: November 17, 2009 GREENBERG TRAURIG, LLP  
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16 by: /s/Robert P. Charrow  
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19 *Commerce et al.*

20 Dated: November 17, 2009 LEONARD, CARDER, LLP  
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22 by: /s/Philip Monrad  
23 Philip Monrad  
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25 Dated: November 17, 2009 TONY WEST  
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by: /s/Daniel Bensing  
Daniel Bensing

*Attorneys for Defendants*

**~~PROPOSED~~ ORDER**

Good cause shown and pursuant to the parties' stipulation, the Preliminary Injunction issued on October 15, 2007 is hereby vacated and this action is hereby dismissed as moot.

SO ORDERED.

Dated: November 18, 2009

