ORIGINAL

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
DEC 23 2008
CLERK, U.S. DISTRICT COURT
By _____ Deputy

TEXAS DEMOCRATIC PARTY; BOYD L. RICHIE, in his capacity as Chairman of the Texas Democratic Party; FRANK JOSEPH; and BRETT ROSENTHAL *Plaintiffs*,	§	
v.	§	Civil Action No. 3:08-CV-02117-P
DALLAS COUNTY, TEXAS; BRUCE SHERBERT, in his capacity as Election Administrator for Dallas County, Texas; JAMES FOSTER, in his capacity as Recount Supervisor for the Recount of the Election for District 105 of the Texas House of Representatives; and TONI PIPPINS-POOLE, in her capacity as Recount Chair for the Recount of the Election for District 105 of the Texas House of Representatives *Defendants,*	§	
and	§	
THE HONORABLE LINDA HARPER-BROWN, *Intervenor.*	§	

ORDER

Presently pending before the Court is Intervenor Defendant Linda Harper-Brown's Motion to Dismiss and Motion to Join Necessary Parties, filed December 9, 2008. Intervenor Defendant's Motions relate the portion of Plaintiffs' Original Complaint that seeks injunctive relief concerning the 2008 General Election for Texas House of Representatives, District 105. On December 19, 2008, Plaintiffs and Intervenor Defendant filed a Joint Stipulation of Dismissal (the "Stipulation"). The Stipulation provides that Plaintiffs no longer wish to seek relief relating to any race in the 2008

General Election. (Stipulation ¶ 1.) Plaintiffs also filed a Motion for Leave to file an Amended Complaint, which omits their request for any such relief. (*Id.* at ¶ 2; Mot. Leave Amend Compl.) For her part, Intervenor Defendant stipulated that she no longer wishes to proceed as a party to this case. (Stipulation ¶ 3.)

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), the Stipulation dismissed Plaintiffs' claims for relief relating to the 2008 General Election without an order from this Court. Accordingly, Intervenor Defendant Linda Harper-Brown's Motions to Dismiss and to Join Necessary Parties are DENIED as moot.

IT IS SO ORDERED.

DATED: December 23, 2008

Jorge A. Solis

THE HONORABLE JORGE A. SOLIS
UNITED STATES DISTRICT JUDGE