

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

UNITED STATES OF AMERICA	§	
	§	
Plaintiff	§	
	§	CIVIL ACTION NO. SA03CA0966
v.	§	
	§	JUDGE FURGESON
	§	
BRIGGS OF SAN ANTONIO, INC.	§	
d/b/a FAT TUESDAY	§	

STIPULATION OF VOLUNTARY DISMISSAL

TO THE HONORABLE ROYAL FURGESON, UNITED STATES DISTRICT JUDGE:

COME NOW Plaintiff, United States, and Defendant, Briggs of San Antonio, Inc., and submit their Stipulation of Voluntary Dismissal, pursuant to Rule 41(a) (1) of the Federal Rules of Civil Procedure, as follows:

1. The United States filed this civil action on October 3, 2003, pursuant to Title II of the Civil Rights Act of 1964, 42 U.S.C. § 2000a, et seq. Defendant thereafter filed a timely Answer.

2. In light of recent developments regarding Defendant, Plaintiff has determined not to pursue this action. Specifically, the Fat Tuesday bar/restaurant at issue in this case has been closed, and there is no other Fat Tuesday bar/restaurant located in San Antonio.

As part of this Stipulation of Voluntary Dismissal, the parties agree to the following:

1. Defendant hereby agrees to withdraw its Motion to Dismiss as Moot, filed October 15, 2004. A Motion to Withdraw Defendant's Motion to Dismiss as Moot is attached hereto, along with a proposed Order.

2. Defendant further agrees that it has no plans to open a Fat Tuesday bar/restaurant in the San Antonio area within the next three years.

3. Each party shall be responsible for its own costs and attorneys' fees associated with this litigation.

Respectfully submitted,

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TUESDAY**

