

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

NEW AMERICA FOUNDATION'S OPEN
TECHNOLOGY INSTITUTE, *et al.*

Petitioners,

v.

FEDERAL COMMUNICATIONS
COMMISSION
and UNITED STATES OF AMERICA,

Respondents.

Case No. 18-1011 (Lead)

*Consolidated with Nos.
18-1012, 18-1013, 18-1014*

**JOINT STIPULATION OF VOLUNTARY
DISMISSAL PURSUANT TO FED. R. APP. P. 42(b)**

Pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure, Petitioners Mozilla Corporation, Open Technology Institute | New America Foundation, Public Knowledge and the Attorneys General of twenty-two states (“Petitioners”) and Respondents Federal Communications Commission (“FCC”) and United States of America hereby jointly stipulate to the dismissal of the petitions for review without prejudice, with each party to bear its own costs.

Petitioners take no position on the rationale of the FCC’s motion to dismiss. As Petitioners have explained to the Court, Petitioners filed their petitions for review early (ten days after the Order was released but prior to Federal Register publication) only out of an abundance of caution: the filings were intended to ensure that Petitioners could participate in a judicial lottery if the FCC chose to

forward any petition to the Judicial Panel on Multidistrict Litigation, as the FCC had done with petitions for review of the 2015 Open Internet Order. *See, e.g.*, Mozilla Pet. 2-3. The goal of the protective petitions is no longer relevant as the agency did not forward the petitions, Mot. 9-10, and the agency has represented that “these premature petitions will not deprive Petitioners of their opportunity to seek judicial review of the Order or to participate in any judicial lottery” because petitioners will “remain free to file new petitions for review after the summary of the Order is published in the Federal Register,” *id.* 12.

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