

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 19-212

Caption [use short title]

Motion for: Voluntarily Dismiss Appeal

Set forth below precise, complete statement of relief sought:

Dismiss appeal

New York v. Commerce

MOVING PARTY: U.S. Dep't of Commerce et al

OPPOSING PARTY: State of NY et al.

☐ Plaintiff☐ Defendant☒ Appellant/Petitioner☐ Appellee/Respondent

MOVING ATTORNEY: Gerard Sinzdak

OPPOSING ATTORNEY: Judith N. Vale

[name of attorney, with firm, address, phone number and e-mail]

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Court- Judge/ Agency appealed from: SDNY/Honorable Jesse M. Furman, No. 18-cv-2921 (JMF)

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):

☒ Yes☐ No (explain):

Opposing counsel's position on motion:

☒ Unopposed☐ Opposed☐ Don't Know

Does opposing counsel intend to file a response:

☐ Yes☒ No☐ Don't Know

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has this request for relief been made below?

☐ Yes☐ No

Has this relief been previously sought in this court?

☐ Yes☐ No

Requested return date and explanation of emergency:

Is oral argument on motion requested?

☐ Yes☒ No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set?

☐ Yes☒ No If yes, enter date:

Signature of Moving Attorney:

/s/Gerard Sinzdak

Date: 08/2/2019

Service by:

☒ CM/ECF☐ Other

[Attach proof of service]

**IN THE UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

STATE OF NEW YORK, et al.,
Plaintiffs-Appellees,

v.

UNITED STATES DEPARTMENT OF
COMMERCE, et al.,
Defendants-Appellants.

No. 19-212

**UNOPPOSED MOTION TO
VOLUNTARILY DISMISS APPEAL**

Pursuant to Federal Rule of Appellate Procedure 42(b), defendants-appellants hereby move to dismiss this appeal, with each party to bear its own costs under Federal Rule of Appellate Procedure 39 for this appeal. Counsel for plaintiffs-appellees have authorized us to state that they do not oppose this motion.

Respectfully submitted,

MARK B. STERN

s/ Gerard Sinzdak

GERARD SINZDAK

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Attorneys

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U.S. Department of Justice

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AUGUST 2019

CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because it contains 48 words, according to the count of Microsoft Word.

/s/ Gerard Sinzdak
Gerard Sinzdak
Counsel for the United States
gerard.j.sinzdak@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2019, I filed and served the foregoing with the Clerk of the Court by causing a copy to be electronically filed via the appellate CM/ECF system. I also hereby certify that the participants in the case are registered CM/ECF users and will be served via the CM/ECF system.

s/ Gerard Sinzdak
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