

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

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

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**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,

UNITED STATES ATTORNEY  
JOHNNY SUTTON

STEVEN H. ROSENBAUM  
CHIEF

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**ATTORNEYS FOR DEFENDANT BRIGGS OF SAN ANTONIO, INC. D/B/A FAT  
TUESDAY**

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

**UNITED STATES OF AMERICA**

**Plaintiff**

**v.**

**BRIGGS OF SAN ANTONIO, INC.  
d/b/a FAT TUESDAY**

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**CIVIL ACTION NO. SA03CA0966**

**JUDGE FURGESON**

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**ORDER OF DISMISSAL**

On this day came to be considered the Stipulation of Voluntary Dismissal filed by Plaintiff, United States, and Defendant, Briggs of San Antonio, Inc., in the above-styled and numbered cause. This Court accepts the stipulation and finds that the case should be dismissed. The Court further finds that the parties have stipulated that each shall be responsible for its costs and attorneys' fees incurred herein.

It is therefore ORDERED that this case is hereby DISMISSED. It is further ORDERED that each party shall be responsible for its costs and attorneys' fees.

SIGNED AND ENTERED this \_\_\_\_ day of \_\_\_\_\_, 2004.

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ROYAL FURGESON  
UNITED STATES DISTRICT JUDGE