U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

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UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF VERMONT

GROCERY MANUFACTURERS ASSOCIATION, SNAK INTERNATIONAL, INTERNATIONAL DAIRY FOODS ASSOCIATION, and NATIONAL ASSOCIATION OF MANUFACTURERS, Plaintiffs, v. WILLIAM H. SORRELL, in his official capacity as the Attorney General of Vermont; PETER E. SHUMLIN, in his official capacity as Governor of Vermont; HARRY L. CHEN, in his official capacity as Commissioner of the Vermont Department of Health; and JAMES B. REARDON, in his official capacity as Commissioner of the Vermont Department of Finance and Management, Defendants.	)	Case No. 5:14-cv-117

In re Grocery Manufacturers et al. * WILLIAM H. SORRELL et al., Movants, v. SYNGENTA CORPORATION, Respondent.	)	Case No. 2:16-mc-60

In re Grocery Manufacturers et al.	)	
* *	)	
WILLIAM H. SORRELL et al.,	)	
Movants,	)	
v.	)	Case No. 2:16-mc-61
E.I. DU PONT DE NEMOURS AND COMPANY,	)	
Respondent.	)	

In re Grocery Manufacturers et al.	)	
* *	)	
WILLIAM H. SORRELL et al.,	)	
Movants,	)	
v.	)	Case No. 2:16-mc-70
DOW AGROSCIENCES LLC	)	
Respondent.	)	

In re Grocery Manufacturers et al.	)	
* *	)	
WILLIAM H. SORRELL et al.,	)	
Movants,	)	
v.	)	Case No. 2:16-mc-78
BAYER CROPSCIENCE,	)	
Respondent.	)	

In re Grocery Manufacturers et al.	)	
* *	)	
WILLIAM H. SORRELL et al.,	)	
Movants,	)	
v.	)	Case No. 2:16-mc-82
MONSANTO COMPANY,	)	
Respondent.	)	

In re Grocery Manufacturers et al.	)	
* *	)	
WILLIAM H. SORRELL et al.,	)	
Movants,	)	
v.	)	Case No. 2:16-mc-100
CONAGRA FOODS, INC.,	)	
Respondent.	)	

STIPULATION OF VOLUNTARY DISMISSAL
PURSUANT TO F.R.C.P. 41(a)(1)(A)(ii)

Plaintiffs Grocery Manufacturers Association, SNAC International, International Dairy Foods Association, and National Association of Manufacturers and Defendants William H. Sorrell, Peter Shumlin, Andrew Pallito, and Harry L. Chen hereby stipulate to the dismissal of

Plaintiffs' action without prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, as follows:

WHEREAS, on July 29, 2016, President Obama signed into law S.764, which establishes a "National Bioengineered Food Disclosure Standard" and calls for the U.S. Department of Agriculture (USDA) to "establish a national mandatory bioengineered food disclosure standard";

WHEREAS, on August 1, 2016, the USDA stated that the preemption provisions of the statute prohibit any state from "continu[ing] in effect as to any food or seed in interstate commerce any requirement relating to the labeling of whether a food . . . or seed is genetically engineered";

WHEREAS, on August 2, 2016, Defendant Sorrell announced that Vermont "will no longer be enforcing Act 120";

WHEREAS, in light of these developments, any attempted enforcement of Act 120 "could not reasonably be expected to recur," *Adarand Constructors v. Slater*, 528 U.S. 216, 222 (2000); and

WHEREAS, on August 3, 2016, Plaintiffs and Defendants agreed to the voluntary dismissal of Plaintiffs' pending Second Circuit appeal in Case No. 15-1504, and the Clerk of Court so-ordered the stipulation on August 5, 2016;

IT IS HEREBY STIPULATED AND AGREED that the above-captioned underlying action (Docket No. 5:14-cv-117) is voluntarily dismissed without prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, with each party to bear its own attorney's fees. Pursuant to their prior agreement, Plaintiffs will pay $11,225 to cover half of the costs of procuring the legislative transcripts; Plaintiffs will also pay $6,344.55 to cover half of Defendants' costs, for a total of $17,569.55.

DATED at Washington, DC this 31st day of August 2016.

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Counsel for Plaintiffs

DATED at Montpelier, VT this 31st day of August 2016.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

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* * *

FURTHER, WHEREAS, Defendant Sorrell initiated independent actions to enforce third-party subpoenas and obtain discovery from Bayer CropScience, ConAgra Foods, Inc., E.I. du Pont de Nemours and Company, Dow Agrosciences LLC, Monsanto Company, and Syngenta Corporation in the above-captioned third-party actions (Docket Nos. 2:16-mc-60, 2:16-mc-61, 2:16-mc-70, 2:16-mc-78, 2:16-mc-82, and 2:16-mc-100) ("Third-Party Actions");

IT IS ALSO HEREBY STIPULATED AND AGREED that: (1) all subpoenas related to the Third-Party Actions are WITHDRAWN and are null and void and are of no further force or effect; (2) any motions to compel filed by Defendant Sorrell relating to the Third-Party Actions are WITHDRAWN; and (3) the Third-Party Actions are voluntarily dismissed without prejudice, with each party to bear its own attorney's fees and costs.

DATED at Montpelier, VT this 31st day of August 2016.

STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

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Counsel for Monsanto Company

DATED at Omaha, NE this 31st day of August 2016.

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Counsel for ConAgra Foods, Inc.

SO ORDERED.

Dated at Burlington, in the District of Vermont, this 1st day of September, 2016.

Christina Reiss, Chief Judge
United States District Court