

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

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Docket No. \_\_\_\_\_

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**STIPULATION WITHDRAWING APPEAL FROM ACTIVE CONSIDERATION,  
WITHOUT PREJUDICE, WITH LEAVE TO REACTIVATE**

The undersigned counsel for the parties hereby stipulate that the above-captioned appeal is hereby withdrawn without costs and without attorneys' fees and **without prejudice**, subject to reactivation of the appeal by appellant's counsel by written notice to the Clerk of this Court by \_\_\_\_\_ whichever comes first.

**If not thus timely reactivated, the appeal shall be subject to dismissal.**

Withdrawal of the appeal from active consideration shall not operate as a dismissal of the appeal under F.R.A.P 42(b).

Dated:

\_\_\_\_\_  
Attorney for Appellant

Dated:

\_\_\_\_\_  
Attorney for Appellee

Counsel: Please print name and  
firm under signature