

No. 08-2257

United States Court of Appeals for the Fourth Circuit

**Holly Lynn Koerber and
Committee for Truth in Politics, Inc., *Appellants***

v.

Federal Election Commission, *Appellee*

Appeal from the United States District Court for the
Eastern District of North Carolina, Northern Division

Agreement of Voluntary Dismissal of Appeal

Pursuant to the provisions of Rule 42(b) of the Federal Rules of Appellate Procedure, the undersigned, who are all of the parties to the above-captioned appeal, stipulate and agree that this appeal should be dismissed. Each party shall bear its own costs.

This dismissal is made for the purpose of focusing on the trial on the merits in the District Court. The District Court stayed proceedings on January 8, 2009, but has lifted that stay as of February 8, 2010, and ordered discovery to commence. Appellants Holly Lynn Koerber and Committee for Truth in Politics, Inc. no longer wish to pursue the appeal of the denial of their preliminary injunction.

In light of this dismissal, the parties will not be filing the supplemental briefing requested by the Court in its order of February 5, 2010, (Dkt. 37) unless instructed otherwise.

This stipulation dismisses the appeal of the denial of the preliminary injunction, and does not affect the Plaintiffs' right to appeal any final judgment by the District Court in this case.

Dated: February 17, 2010.

Respectfully submitted,

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Certificate of Service

I hereby certify that on February 17, 2010 I electronically filed the foregoing with the Clerk of Court using the CM\ECF System, which will send notice of such filing to the following registered CM\ECF users:

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