

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JAN 08 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA, ex rel.
UNITE HERE,

Plaintiff - Appellant,

v.

CINTAS CORPORATION,

Defendant - Appellee,

No. 08-16223

D.C. No. 3:06-cv-02413-PJH

ORDER

Appeal from the United States District Court
for the Northern District of California
Phyllis J. Hamilton, District Judge, Presiding

Argued and Submitted November 3, 2009
San Francisco, California

Before: GOODWIN and W. FLETCHER, Circuit Judges, and MILLS,* District
Judge.

The joint stipulated motion of relator UNITE HERE and Cintas Corporation
to voluntarily dismiss the appeal under Federal Rule of Appellate Procedure 42(b)

* The Honorable, Richard Mills, Senior United States District Judge for
the Central District of Illinois, sitting by designation.

because of settlement in this *qui tam* action is GRANTED. Each party will bear its own costs and fees.

The motion of Workers United to intervene in this action is DENIED as moot.

The motion of Cintas Corporation for leave to file a sur-reply memorandum is DENIED as moot.

This case is CLOSED.