

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 22-61651-CIV-SINGHAL-VALLE

GRACE FLANNERY and MIA CRAIN,

Plaintiffs,

v.

SPIRIT AIRLINES, INC.,

Defendant,

STIPULATION OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs Grace Flannery and Mia Crain (“Plaintiffs”) and Defendant, Spirit Airlines, Inc. (“Defendant” or “Spirit”) (Plaintiffs and Defendant referred to collectively as the “Parties”), hereby stipulate as follows:

1) On September 2, 2022, Grace Flannery commenced this matter by filing a two-count Complaint. (DE [1].)

2) On November 23, 2022, Ms. Flannery, as well as Mia Crain, filed a three-count First Amended Complaint. (DE [15].) As of that date, the First Amended Complaint became the operative pleading in this Action.

3) On August 22, 2023, the District Court granted Defendant’s Partial Motion to Dismiss First Amended Complaint, which dismissed Counts I and II of the First Amended Complaint without prejudice for lack of jurisdiction. (DE [31].) Consequently, only Ms.

Flannery's FMLA retaliation claim in Count III of the First Amended Complaint proceeded to discovery.

4) Ms. Flannery and Spirit now stipulate to dismiss Count III of the First Amended Complaint with prejudice and request that the Court enter a final judgment in this Action.

5) The Parties agree that this stipulation shall not affect the rights of the Parties to appeal or cross-appeal the Court's judgment with respect to Counts I and II of the First Amended Complaint.

6) The Parties also agree that each side will bear their own costs and attorneys' fees relating to this Action, except that this stipulation shall not affect any rights the Parties may have to seek costs and/or attorneys' fees that are recoverable under the law arising from any such appeal and any subsequent District Court litigation in this Action (if applicable) following such appeal.

7) NOW, THEREFORE, the parties agree to entry of the proposed order submitted herewith.

Dated: May 2, 2024

/s/ Nathan C. Zipperian

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SIGNATURE CERTIFICATION

Pursuant to Section 3J(3) of the CM/ECF Administrative Procedures, I hereby certify that the content of this document is acceptable to Miguel A. Morel and Alexander P. Berg, counsel for Defendant Spirit Airlines, Inc., and that I have obtained Mr. Morel's authorization to affix his electronic signature to this document.

Dated: May 2, 2024

/s/ Nathan C. Zipperian

Nathan C. Zipperian

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 2, 2024, a true and correct copy of the foregoing was electronically served via email on all counsel or parties of record as provided on the Service List below.

/s/ Nathan C. Zipperian

Nathan C. Zipperian

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