

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**CATHERINE REGINA HARPER, on )  
behalf of herself and those similarly )  
situated, and JENNIFER ESSIG, )**

**Plaintiffs, )**

**v. )**

**PROFESSIONAL PROBATION )  
SERVICES, INC., THE CITY OF )  
GARDENDALE, ALABAMA, a )  
municipal corporation, and KENNETH )  
GOMANY, in his official capacity as )  
Judge of the Gardendale Municipal )  
Court, )**

**Defendants. )**

**CIVIL ACTION NO.  
2:17-CV-1791-UJB-AKK**

**JOINT MOTION TO DISMISS CLAIMS AGAINST DEFENDANTS  
KENNETH GOMANY AND THE CITY OF GARDENDALE**

Plaintiff Catherine Regina Harper and Defendants the City of Gardendale and Kenneth Gomany (“Gomany”), in his official capacity as Judge of the Gardendale Municipal Court, having reached a settlement agreement to resolve the equitable claims for relief pled under the First, Second, and Third Claims for Relief against Defendants Gardendale and Judge Gomany in this matter, hereby move the Court to dismiss the City of Gardendale and Judge Gomany as parties to this action, without prejudice pursuant to Fed. R. Civ. P. Rule 41(a)(1)(A)(ii). As a

basis for this motion, Plaintiff Harper and Defendants the City of Gardendale and Judge Gomany state as follows:

1. In their Complaint, Plaintiff Harper challenges the legality of the contract for private probation services entered into between Gardendale and Professional Probation Services, Inc. (“PPS”), and requests declaratory and injunctive relief against Gardendale and Judge Gomany enjoining enforcement of the City’s contract with PPS. These are the only claims for relief alleged against Judge Gomany and the City of Gardendale.

2. Judge Gomany and the City of Gardendale deny Plaintiff Harper’s allegations.

3. Plaintiff Harper and Defendants Judge Gomany and Gardendale have reached a settlement agreement that fully resolves Plaintiff Harper’s claims against the City of Gardendale and Judge Gomany.

4. Accordingly, Plaintiff Harper and Defendants the City of Gardendale and Judge Gomany jointly and respectfully request that the Court dismiss all claims against the City of Gardendale and Judge Gomany without prejudice pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, with

Plaintiff Harper and the City of Gardendale to bear their own costs related to these claims.<sup>1</sup>

/s/ Will Hill Tankersley

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<sup>1</sup> Plaintiff Harper intends to seek leave to amend the Amended Complaint to remove and thus dismiss its equitable claims for relief against PPS under the First, Second, and Third Claims for Relief. Neither she nor Plaintiff Jennifer Essig, however, intends to dismiss their monetary claims against Defendant PPS pled under the First and Fourth Claims for Relief.

**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and service will be perfected upon the following this the 6th day of March, 2018:

Bryan A Grayson  
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