

No. 18-995
IN THE
SUPREME COURT OF THE UNITED STATES

CRUNCH SAN DIEGO, LLC,

Petitioner,

v.

JORDAN MARKS.

AGREEMENT TO DISMISS CASE PURSUANT TO RULE 46.1

Petitioner Crunch San Diego, LLC and respondent Jordan Marks agree and stipulate to the dismissal of this proceeding by the clerk.

On January 28, 2019, petitioner filed a petition for a writ of certiorari in this case. On February 15, 2019, this Court extended the time for respondent to file a response to April 1, 2019. On February 20, 2019, in light of a settlement between the parties, the U.S. District Court for the Southern District of California (No. 14-cv-348-BAS-BLM) granted the parties' joint motion to dismiss the case. The pending petition for a writ of certiorari therefore should be dismissed.

Each party agrees that it shall bear and pay its own costs, and that any fees remaining due to the clerk shall be paid by petitioner.

Respectfully submitted.

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Dated: February 21, 2019