

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

UNITED CONTINENTAL HOLDINGS,
INC.,

and

DELTA AIR LINES, INC.,

Defendants.

Case No: 2:15-cv-07992-WHW-CLW

STIPULATION OF DISMISSAL

On April 5, 2016, Defendant United Continental Holdings, Inc. (“United”) informed Plaintiff United States of America that on April 4, 2016, United terminated the Slot Lease Agreement dated June 16, 2015, (the “Agreement”) that is the subject of this litigation. *See* Exhibit A (Letter from Kent Gardiner to Eric Mahr confirming the termination of the Agreement). Based on United’s representations concerning the termination of the Agreement, and pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, Plaintiff United States of America voluntarily dismisses without prejudice the claims asserted in this action against Defendants. Defendants stipulate to dismissal of these claims. *See* Exhibit A.

Dated: April 6, 2016

Respectfully submitted,

For Plaintiff United States of America:

/s Eric Mahr

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/s Justin T. Quinn

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CERTIFICATE OF SERVICE

I hereby certify that on April [...], 2016, I caused a true and correct copy of the foregoing document to be served upon all counsel of record via the Court's CM/ECF system.

/s/ Amanda D. Klovers
Amanda D. Klovers
Attorney for Plaintiff
United States of America



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April 5, 2016

VIA E-MAIL

Eric Mahr, Esq.
United States Department of Justice
Antitrust Division
450 Fifth Street, N.W., Suite 8000
Washington, D.C. 20530

Re: Slot Lease Agreement between United Continental Holdings, Inc. and Delta Air Lines, Inc.

Dear Eric:

I write to confirm our telephone discussion. On April 4, 2016, United Continental Holdings, Inc. ("United") terminated the Slot Lease Agreement (the "Agreement") with Delta Air Lines, Inc. ("Delta") dated June 16, 2015. The recent Notice issued by the Federal Aviation Administration designating Newark Liberty International Airport as a Level 2 airport prevents the parties from meeting various contractual requirements. As a result, the transaction as memorialized in the Agreement is no longer viable.

United and Delta consent to the dismissal without prejudice of the pending litigation, *United States of America v. United Continental Holdings, Inc., and Delta Air Lines, Inc.*, Case No. 2:15-cv-07992 (D.N.J), under rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.

Respectfully submitted,

/s/ Kent A. Gardiner

Kent A. Gardiner

Eric Mahr
April 5, 2016
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