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LAW OFFICES OF
VENABLE, CAMPILLO, LOGAN & MEANEY, P.C.
1938 EAST OSBORN ROAD
PHOENIX, ARIZONA 85016
TELEPHONE (602) 631-9100
FACSIMILE (602) 631 4529
E-MAIL DOCKETING@VCLMLAW.COM

Lance C. Venable (AZ Bar No 017074)
Joseph R. Meaney (AZ Bar No. 017371)
Attorneys for Plaintiff MDY Industries, LLC

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

MDY INDUSTRIES, LLC,
Plaintiff and Counterdefendant,

vs.
**BLIZZARD ENTERTAINMENT, INC.,
and VIVENDI GAMES, INC.,**
Defendants and Counterclaim
Plaintiffs.

**BLIZZARD ENTERTAINMENT, INC.,
and VIVENDI GAMES, INC.,**
Third-Party Plaintiffs,

vs.
MICHAEL DONNELLY, an individual
Third-Party Defendant

Case No.: CV06-02555-PHX-DGC

**JOINT REPORT ON SETTLEMENT
TALKS**

The Honorable David G. Campbell

The parties hereby submit their joint report on settlement talks held as required by the Court's April 6, 2007 order.

On September 25, 2007, the parties met in Phoenix, Arizona at the law offices of Venable, Campillo, Logan & Meaney, P.C. Present at the meeting were Michael Donnelly in his capacity as the representative for the plaintiff MDY Industries and as

1 a third-party defendant, the plaintiff's counsel Lance Venable, the defendants'
2 attorneys Christian Genetski and Samuel Davidoff, and in-house counsel for the
3 defendant Vivendi Games, Fritz Kryman. Both Mr. Donnelly and Mr. Kryman had
4 full settlement authority on behalf of the parties.

5 The parties met for approximately one hour and made a substantial good-faith
6 effort to resolve their dispute. Several ideas were proposed, some conventional and
7 others unconventional, in an effort to bridge the gap between the parties respective
8 positions. Although the parties made some progress, it appears that the plaintiff and
9 defendants were still too far apart to reach a settlement. At this time, it does not
10 appear that the Court would be of assistance in settling the case. The parties and their
11 counsel, however, have committed to periodically revisiting the issue of settling the
12 case.

13
14 Dated this 2nd day of October, 2007

15
16 **Venable, Campillo, Logan & Meaney, P.C.**

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19 Bv /s/Lance C. Venable

Lance C. Venable SBN 017074

Joseph R. Meaney SBN 017371

1938 East Osborn Road

Phoenix, Arizona 85016

Tel: 602-631-9100

Fax: 602-631-9796

E-Mail docketing@vclmlaw.com

*Attorneys for Plaintiff MDY
Industries, LLC and Third-Party
Defendant Donnelly*

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SONNENSCHN NATH &
ROSENTHAL LLP
Christian S. Genetski (Pro Hac Vice)
Shane M. McGee (Pro Hac Vice)
Samuel Bryant Davidoff (Pro Hac Vice)
1301 K Street, N.W.
Suite 600, East Tower
Washington, DC 20005
Telephone: (202) 408-6400
cgenetski@sonnenschein.com
smcgee@sonnenschein.com
sdavidoff@sonnenschein.com

Scott Stein (AZ Bar No. 022709)
2398 East Camelback Road
Suite 1060
Phoenix, AZ 85016-9009
Telephone: (602) 508-3900
sstein@sonnenschein.com

*Attorneys for Defendants, Counter-
Claim
Plaintiffs, and Third Party Plaintiffs
Blizzard Entertainment, Inc. and
Vivendi Games, Inc.*

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CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2007, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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Name	Physical or Email Address

s/ Lance C. Venable