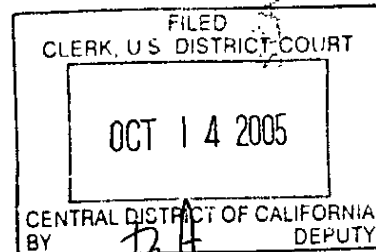


Perfect 10 Inc v. Arlo Gilbert

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Attorneys for Plaintiff PERFECT 10, INC.



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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

PERFECT 10, INC., a California  
corporation,

Plaintiff,

v.

ARLO GILBERT, an individual; and  
Does 1 through 10, inclusive

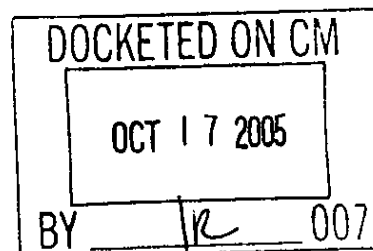
Defendants.

Case No. CV 04-09098 ABC (SSx)

STIPULATION AND ~~PROPOSED~~  
ORDER FOR DISMISSAL WITH  
PREJUDICE OF DEFENDANT ARLO  
GILBERT

[Fed. R. Civ. P. 41(a)]

[No Hearing Date Required]



1 Plaintiff Perfect 10, Inc. ("Perfect 10") and Defendant Arlo C. Gilbert, by and  
2 through their respective attorneys of record, hereby agree and stipulate as follows:

3 1. Perfect 10 and Arlo C. Gilbert have entered into an agreement to settle this  
4 Action ("Settlement Agreement"). Under the terms of the Settlement Agreement, the  
5 parties have agreed, among other things, that the Action shall be dismissed with  
6 prejudice. The parties have also agreed that each shall bear its own costs and  
7 attorneys' fees.

8 2. Accordingly, the Action between Perfect 10 and Arlo C. Gilbert shall be  
9 dismissed, with prejudice, with all parties to bear their own costs and attorneys' fees.

10 3. This Court shall retain continuing jurisdiction over this Action and the  
11 settling parties to enforce the terms of the Settlement Agreement between the parties,  
12 including by motion or by *ex parte* application, as appropriate.

13  
14 DATED: October 12, 2005

BERMAN, MAUSNER & RESSER,  
A Law Corporation

15  
16  
17 By: Jeffrey N. Mausner

Jeffrey N. Mausner

Attorneys for Plaintiff Perfect 10, Inc.

18  
19  
20 COHEN AND COHEN

21 DATED: October 10, 2005

22 By: Martin Keleti

S. Martin Keleti

Attorneys for Defendant Arlo C. Gilbert

ORDER

Based on the foregoing stipulation, and good cause appearing therefore, IT IS ORDERED that:

1. This Action between Perfect 10 and Arlo C. Gilbert is dismissed, with prejudice, with each of the parties to bear its own costs and attorneys' fees.

2. This Court shall retain continuing jurisdiction over this Action and the parties to enforce the terms of the Settlement Agreement between the parties, including by motion or by *ex parte* application, as appropriate.

Dated: 10/14/05

Audrey B. Collins  
Hon. Audrey B. Collins  
United States District Judge

**PROOF OF SERVICE**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the county of Los Angeles, State of California.

I am over the age of 18 and am not a party to the within action; my business address is: 11601 Wilshire Blvd., Suite 600 Los Angeles, CA 90025-1742.

On October 13, 2005, I served the foregoing document(s) described as follows:

**STIPULATION AND [PROPOSED] ORDER FOR DISMISSAL WITH PREJUDICE OF DEFENDANT ARLO GILBERT**

on the interested party(ies) in this action by placing a true copy thereof enclosed in a sealed envelope addressed to the address(es) as follows:

S. Martin Keleti  
COHEN AND COHEN  
740 North La Brea Ave., Second Floor  
Los Angeles, CA 90038-6354

**MAIL:** I placed such envelope with fully prepaid postage thereon in the United States mail at Los Angeles, California.

**FEDERAL:** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare, under penalty of perjury, that the foregoing is true and correct.

Executed on **October 13, 2005**, at Los Angeles, California

BY: Math Milani  
**Mathew Milani**

SCANNED

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