

NOTE CHANGES MADE BY THE COURT

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10 Attorneys for Defendant, INDEPENDENT INK, INC.,
11 a California corporation

12 UNITED STATES DISTRICT COURT
13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 CODE -JET, INC.,) CASE NO. : 2:16-cv-06993-PSG -E
15 a Utah corporation) [Assigned to Judge Phillip S. Gutierrez
16) Courtroom 880]
17 Plaintiff,)
18 vs.) ~~[PROPOSED]~~ JUDGMENT
19 INDEPENDENT INK, INC.,) PURSUANT TO ORDER GRANTING
20 a California corporation,) DEFENDANT INDEPENDENT INK,
21) INC.'S F.R.C.P. 12(b)(6) MOTION TO
22) DISMISS PLAINTIFF CODE-JET,
23) INC.'S FIRST AMENDED ORIGINAL
24 Defendant.) PETITION
25)
26) Original Petition Filed: June 22, 2016
27) First Amended Original Petition Filed:
28) September 14, 2016
29)

30 On October 19, 2016, Defendant INDEPENDENT INK, INC., a California
31 corporation (hereinafter “INDEPENDENT INK” and/or “DEFENDANT”) filed
32 a Motion to Dismiss Plaintiff CODE-JET, INC., a Utah corporation’s (hereinafter
33 “CODE-JET” and/or “PLAINTIFF”) operative First Amended Original Petition

34 [PROPOSED] JUDGMENT PURSUANT TO ORDER GRANTING DEFENDANT
35 INDEPENDENT INK, INC.’S F.R.C.P. 12(b)(6) MOTION TO DISMISS PLAINTIFF
36 CODE-JET, INC.’S FIRST AMENDED ORIGINAL PETITION

1 for failure to state a claim under Rule 12(b)(6). See DKT. #31. The motion was
2 scheduled for hearing on December 19, 2016. *Id.* Pursuant to Local Rule 7-9,
3 PLAINTIFF was required to oppose the motion by November 28, 2016. CL.R. 7-
4 9. PLAINTIFF did not file an opposition to the motion, timely or otherwise.
5 Thus, pursuant to the Local Rule 7-12, the Court deems PLAINTIFF's failure to
6 file a timely opposition as consent to granting the motion. CL.R. 7-12. On
7 November 29, 2016, this Court entered its Order granting DEFENDANT's
8 motion to dismiss PLAINTIFF's First Amended Original Petition, with prejudice,
9 terminating the instant action. *See DKT. 33.*

13 Therefore, IT IS HEREBY ORDERED that PLAINTIFF shall take nothing
14 by way of its First Amended Original Petition and that judgment be entered in
15 favor of Defendant INDEPENDENT INK, INC. and against Plaintiff CODE-JET,
16 INC. in this action.

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1 Defendant INDEPENDENT INK, INC. shall further have an award of its
2 costs under F.R.C.P. 54(d), as may be ordered upon a timely filed application for
3 costs, and an award of its attorney's fees to defend the instant action, as may be
4 ordered upon a timely filed Motion for Attorney's Fees, to be incorporated into
5 this judgment.
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7 **IT IS SO ORDERED.**
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10 Dated: 12/7/16

PHILIP S. GUTIERREZ

~~JUDGE OF THE SUPERIOR COURT~~

U.S. District Judge

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SERVICE LIST
CODE-JET, INC. v. INDEPENDENT INK, INC.
United States District Court - Central District of California
Case No. 2:16-cv-06993-PSG-E

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