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9 JANE MILLER (erroneously sued herein as Jane Miler),
CAREER PRESS, INC. and NEW PAGE BOOKS

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 PAULA SHEPARD,

13 Plaintiff,

14 v.

15 JANE MILER, an individual, CAREER PRESS,
16 INC. NEW PAGE BOOKS, and DOES 1-100,

17 Defendants.
18

CASE NO. 2:10-CV-01863-WBS-JFM

**STIPULATION AND [PROPOSED] ORDER
SETTING COSTS AND ATTORNEYS'
FEES AWARDED TO DEFENDANTS
PURSUANT TO 17 U.S.C. § 505**

19
20 Plaintiff Paula Shepard and defendants Jane Miller, Career Press, Inc. and New Page Books
21 (collectively, "Defendants"), by and through their respective counsel, hereby stipulate and agree as
22 follows:

23 WHEREAS Plaintiff filed this action alleging copyright infringement, as well as state law
24 claims for fraud, misappropriation and unfair competition, on July 16, 2010;

25 WHEREAS the Court on December 15, 2010 granted Defendants' Special Motion to Strike
26 Plaintiff's State Law Causes of Action Pursuant to California's Anti-SLAPP Statute, Code of Civil
27 Procedure § 425.16;

1 WHEREAS the Court on May 5, 2011, granted Defendants' Motion for Attorney's Fees and
2 Costs under the Anti-SLAPP Statute in the amount of \$119,143.05;

3 WHEREAS the Court on January 12, 2012, granted Defendants' Motion for Summary
4 Judgment as to the remaining copyright infringement claim;

5 WHEREAS the Court on January 12, 2012, also entered judgment for Defendants and
6 against Plaintiff on all claims;

7 WHEREAS Defendants, as the prevailing parties with respect to the copyright infringement
8 claim, timely filed on March 9, 2012, a Motion for Award of Attorneys' Fees and Costs Pursuant to
9 17 U.S.C. § 505;

10 WHEREAS Defendants' fee motion contends, and Plaintiff concurs, that the factors
11 identified by the Supreme Court and Ninth Circuit to be considered in determining whether to award
12 attorneys' fees and costs under the Copyright Act – including but not limited to the degree of success
13 obtained by Defendants – support an award of attorneys' fees and costs in this case, and that the
14 granting of a fee award would further the purposes of the Copyright Act;

15 WHEREAS Plaintiff agrees that the amount of attorneys' fees and costs sought in
16 Defendants' March 9 motion is reasonable, save and excepting only the amount sought in fees for
17 Defendants' Motion for Judgment on the Pleadings;

18 WHEREAS Plaintiff wishes to stipulate as to the amount of attorneys' fees and costs that
19 should be awarded to Defendants as part of an agreement that will, among other things, result in
20 Plaintiff dismissing her pending appeal of the Court's order of December 15, 2010, granting
21 Defendants' Special Motion to Strike Plaintiff's State Law Causes of Action Pursuant to California's
22 Anti-SLAPP Statute;

23 NOW THEREFORE the parties hereby stipulate and agree that the motion of Defendants
24 Jane Miller, Career Press, Inc. and New Page Books for an award of attorneys' fees and costs under
25 17 U.S.C. § 505 of the Copyright Act against Plaintiff Paula Shepard shall be and is granted in the
26 amount of \$273,916.62, which reflects the amount originally sought by Defendants in their March 9
27 motion for attorneys' fees and costs under § 505 less only the amount that had been sought in fees
28

1 for defendants' motion for judgment on the pleadings.

2 Dated: April 25, 2012

BRYAN CAVE LLP
ROGER MYERS
KATHERINE KEATING
LEILA KNOX

6 By: /s/ Roger Myers
7 ROGER MYERS
8 Attorneys for Defendants Jane Miller, Career
9 Press, Inc. and New Page Books

10 Dated: April 25, 2012

NARANCIC AND KATZMAN, PC
PERRY J. NARANCIC

12 /s/ Perry J. Narancic
13 By: (as authorized on April 25, 2012)
14 PERRY J. NARANCIC
15 Attorneys for Plaintiff Paula Shepard

17 **ORDER**

18 Based upon the above stipulation of the parties, and good cause appearing therefore, IT IS
19 SO ORDERED. The May 7, 2012 motion hearing date is vacated.

21 Dated: April 26, 2012

22 
23 WILLIAM B. SHUBB
24 UNITED STATES DISTRICT JUDGE