

1 William N. Hebert (SBN 136099)
2 CALVO & CLARK, LLP
3 One Lombard Street
4 San Francisco, California 94111
5 Telephone: (415) 374-8370
6 Facsimile: (415) 374-8373

7 Charles L. Babcock (Texas SBN 01479500)
8 *Admitted Pro Hac Vice*
9 Amanda L. Bush (Texas SBN 24042161)
10 *Admitted Pro Hac Vice*
11 JACKSON WALKER L.L.P.
12 1401 McKinney, Suite 1900
13 Houston, Texas 77010
14 Telephone: (713) 752-4200
15 Facsimile: (713) 752-4221

16 ATTORNEYS FOR DEFENDANTS
17 MARK CUBAN AND DALLAS
18 BASKETBALL, LTD.

19 **UNITED STATES DISTRICT COURT**
20 **NORTHERN DISTRICT OF CALIFORNIA**

21 RICHARD ROE, RICHARD ROE, II and DON A.) Civil Action No. 3:09-CV-682 PJH
22 NELSON, Individuals,) ECF

23 Plaintiffs,)

24 vs.)

25 JOHN DOE, MARK CUBAN, an individual; and)
26 DALLAS BASKETBALL, LTD., a partnership,)
27 and DOES 1 through 10,)

28 Defendants.)

Hearing: August 26, 2009
Time: 9:00 a.m.
Courtroom: 5, 17th Floor

**ORDER AWARDING DEFENDANTS
MARK CUBAN AND DALLAS
BASKETBALL, LTD. THEIR
ATTORNEYS' FEES AND COSTS**

Defendants Mark Cuban and Dallas Basketball, Ltd. ("Defendants") Motion for Attorneys' Fees and Memorandum of Costs, pursuant to California Code of Civil Procedure § 425.16(c), came on to be heard before this Court, the Honorable Phyllis Hamilton presiding.

This Court, having read and considered the supporting points and authorities and evidence, having heard the argument of counsel, and good cause appearing therefore, hereby orders as follows:

1 IT IS THEREFORE ORDERED that Defendants' Motion for Attorneys' Fees and
2 Memorandum of Costs is GRANTED.

3 IT IS FURTHER ORDERED that a judgment shall be entered against Plaintiff Don A.
4 Nelson in favor of Defendants Mark Cuban and Dallas Basketball, Ltd. in the amount of
5 \$ _____, representing the reasonable and necessary attorneys' fees and costs
6 incurred in pursuing Defendants' Special Motion to Strike and associated with their Motion for
7 Attorneys' Fees and Memorandum of Costs.
8

9 IT IS FURTHER ORDERED that, if Plaintiff Don A. Nelson appeals the Court's Order
10 Granting Defendants' Special Motion to Strike and/or this Order and assuming the Court's order(s)
11 are affirmed, that Defendants shall also be entitled to attorneys' fees and costs associated with the
12 appeal in an amount to be determined by the Court on remand.
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15 DATED: _____
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17 _____
18 Honorable Phyllis Hamilton
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