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8 Attorney for Plaintiff
 9 IO GROUP, INC.

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN FRANCISCO DIVISION**

11)	
12)	CASE NO.: 09-4401 (JSW)
13)	IO GROUP, INC. d/b/a TITAN
14)	MEDIA, a California corporation,
15)	Plaintiff,
16)	vs.
17)	GARY NIEDERHELMAN and
18)	CHRISTIAN TROY, individuals
19)	residing in the state of New Jersey,
20)	Defendants.
21)	

22
 23 **WHEREAS** the an initial Case Management Conference in the above captioned
 24 action is scheduled for May 14, 2010 at 1:30 p.m. in Courtroom 11; and

25 **WHEREAS** the Parties in the above captioned action have reached settlement and
 26 executed a written Settlement Agreement; and
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 28

1 **WHEREAS** under the Settlement Agreement, Defendant Niederhelman is to make
2 monthly installment payments for twenty-two months; and

3
4 **WHEREAS** the Parties have executed and filed with the Court a Stipulated
5 Judgment with Judgment to be entered upon ex parte motion in the event Defendant
6 Niederhelamn defaults on payments under the terms of the Agreement; and

7
8 **WHEREAS** the Parties request that the Court retain continuing jurisdiction for the
9 sole purpose of hearing such ex parte motion;

10 **THEREFORE**, the Parties stipulate and respectfully request that the Court enter an
11 Order of Dismissal in substantially the same form as the Proposed Order of Dismissal
12 below.

13
14 Dated: *May 5, 2010*

/s/ Gill Sperlein _____
GILL SPERLEIN,
Counsel for Plaintiff Io Group, Inc.

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16
17 Dated: *May 5, 2010*

/s/ Gary Niederhelman _____
GARY NIEDERHELMAN,
Defendant *pro per*

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21 I hereby attest that this is the declaration of Gary Niederhelman and the original with
22 Gary Niederhelman's holographic signature is on file for production for the Court if so
23 ordered, or for inspection upon request by any party. Pursuant to the laws of the United
24 States, I declare under penalty of perjury the foregoing is true and correct.
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26

27 Dated: *May 5, 2010*

/s/ Gill Sperlein _____
GILL SPERLEIN,
Counsel for Plaintiff Io Group, Inc.

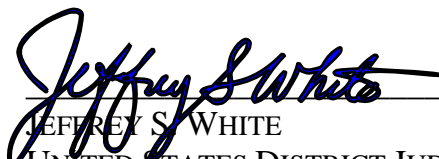
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~~[PROPOSED]~~ ORDER OF DISMISSAL

The parties hereto, having advised the Court that they have agreed to settlement of this case,

IT IS HEREBY ORDERED, that this case be dismissed without prejudice as to Defendant Gary Niederhelman; provided, however, that if Defendant Niederhelman defaults on the Settlement Agreement by failing to make monthly installment payments, and fails to cure such default upon notice from Plaintiff according to the terms of the Settlement Agreement, Plaintiff may bring an ex parte motion for entry of the Stipulated Judgment less any payments made under the Agreement. If Plaintiff brings such ex parte motion and offers evidence of Defendant Niederhelman's default, the forgoing Order shall stand vacated and Judgment shall be entered in the stipulated amount less credit for any payments made under the Agreement.

Dated: May 5, 2010


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE