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20
 21 **UNITED STATES DISTRICT COURT**
 22 **NORTHERN DISTRICT OF CALIFORNIA**
 23 **SAN FRANCISCO DIVISION**
 24

25 BALTHASER ONLINE, INC.,

No. 3:09-cv-05422-RS

26 Plaintiff,

27 **[PROPOSED] ORDER RE**
STIPULATION FOR DISMISSAL
 28

v.

1
2 ART STAR DESIGN LLC, et al.

3 Defendants.
4

**WITHOUT PREJUDICE OF
DEFENDANT EBAUM'S WORLD, INC.**

5
6 **WHEREAS**, (1) on November 4, 2008, Balthaser filed a Complaint in the United
7 States District Court for the Eastern District of Texas, Marshall Division, commencing Civil Action
8 No. 2:08-cv-430 (DF) (the "E.D. Texas Action") against, among others, Ebaum's World, Inc.
9 ("Ebaum's World"); (2) on January 15, 2009, Balthaser filed a First Amended Complaint; (3) on
10 February 2, 2009, Ebaum's World filed an Original Answer to Plaintiff's First Amended Complaint;
11 (4) on September 15, 2009, an Order concerning California Defendants' Motion to Transfer Venue
12 was issued transferring the E.D. Texas Action with respect to California Defendants, including
13 Ebaum's World, to this District; (5) on November 17, 2009, the E.D. Texas Action was transferred
14 to this District and assigned to the Honorable Patricia V. Trumbull; (6) on December 15, 2009, the
15 above-styled action was reassigned to Honorable Jeremy Fogel; and (7) on March 18, 2010, the
16 above-styled action was reassigned to this Court;
17

18 **WHEREAS**, as indicated in a February 24, 2010 Notice of Motion and Unopposed
19 Motion to Withdraw as Counsel for Ebaum's World, Inc. by Rush Law Group, Ebaum's World is no
20 longer an operating entity and has initiated a voluntary shutdown and liquidation of the company
21 (*see* D.I. 416 & 417);
22

23 **WHEREAS**, Ebaum's World confirmed to Balthaser that it has concluded normal
24 business operations, is no longer operating the <http://www.ebaumsworld.com/> website, and is
25 voluntarily shutting down and liquidating the company;

26 **WHEREAS**, Balthaser and Ebaum's World have filed a Stipulation and [Proposed]
27 Order for Dismissal Without Prejudice of Defendant Ebaum's World, Inc. (the "Stipulation") with
28

1 this Court, and such Stipulation was signed by all parties who have appeared in the above-styled
2 action;

3 **NOW, THEREFORE**, after considering the Stipulation, the Court is of the opinion
4 that the Stipulation should be granted and therefore, it is hereby **ORDERED, ADJUDGED AND**
5 **DECREED THAT:**

6
7 1. All claims and counterclaims asserted by Balthaser or Ebaum's World in the
8 E.D. Texas Action and the above-styled action (collectively, "the Action") against the other are
9 hereby dismissed without prejudice; and

10 2. Balthaser and Ebaum's World shall each bear its own costs, expenses and
11 attorneys' fees associated with the prosecution and defense of the Action.

12
13
14 Dated: 4/14/10



Honorable Richard Seeborg
United States District Court Judge