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NING, INC.

~~[Proposed]~~ Order re Stipulation on Dismissal of Defendant Ning, Inc.

No. 3:09-cv-05422-RS

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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

BALTHASER ONLINE, INC.,

Plaintiff,

v.

ELECTRONIC ARTS, INC, et al.

Defendants.

No. 3:09-cv-05422-RS

**~~PROPOSED~~ ORDER RE.
STIPULATION ON DISMISSAL OF
DEFENDANT NING, INC.**

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WHEREAS, (1) on November, 4, 2008, Plaintiff Balthaser Online, Inc. (“Balthaser”) filed a Complaint in the United States District Court for the Eastern District of Texas, Marshall Division, commencing Civil Action No. 2:08-cv-430 (DF) against, among others, Defendant Ning, Inc. (“Ning”); (2) on January 12, 2009, Ning filed an Answer and Affirmative Defenses to Plaintiff’s Complaint; (3) on January 15, 2009, Balthaser filed a First Amended Complaint; (4) on February 2, 2009, Ning filed an Answer and Affirmative Defenses to Plaintiff’s First Amended Complaint; (5) on September 15, 2009, an Order concerning California Defendants’ Motion to Transfer Venue was issued transferring the action with respect to California Defendants, and certain other defendants, including Ning, to this District; (6) on November 17, 2009, the E.D. Texas Action was transferred to this District and assigned to the Honorable Patricia V. Trumbell; (7) on December 15, 2009, the above-styled action was reassigned to Honorable Jeremy Fogel; and (8) on March 18, 2010, the above-styled action was reassigned to this Court.

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WHEREAS, Balthaser and Ning have reached a mutually satisfactory resolution of all issues between them that were the subject of Civil Action No. 2:08-cv-430 (DF) and the above-styled action (collectively, the “Action”);

1 **WHEREAS**, Balthaser and Ning have filed a Stipulation of Dismissal (the
2 “Stipulation”) with this Court advising the Court that the parties have reached a mutually satisfactory
3 resolution of all issues between them that were subject of this Action;

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

7 1. All claims and counterclaims asserted by either party in the Action against the
8 other are hereby dismissed with prejudice;

9 2. Each party shall bear its own costs, expenses and attorneys’ fees associated
10 with the prosecution and defense of this Action; and

11 3. This Court shall retain jurisdiction over this matter for purposes of
12 enforcement of the settlement.

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14 Dated: 9/3/10



15 Honorable Richard Seeborg
16 United States District Court Judge