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

24 BALTHASER ONLINE, INC.,

No. 3:09-cv-05422-RS

25 Plaintiff,

26 **~~PROPOSED~~ ORDER DISMISSING**

27
 28 **~~Proposed~~ Order Dismissing Defendant Gaia Interactive, Inc.**
 No. 3:09-cv-05422-RS

1 v.

**DEFENDANT GAIA INTERACTIVE,
INC.**

2
3 ELECTRONIC ARTS, INC, et al.

4 Defendants.

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

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

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

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

1 1. All claims and counterclaims asserted by Balthaser in the Action against Gaia
2 are hereby dismissed with prejudice;

3 2. All claims and counterclaims asserted by Gaia in the Action against Balthaser
4 are hereby dismissed with prejudice;

5 3. Each party shall bear its own costs, expenses and attorneys' fees associated
6 with the prosecution and defense of this Action; and

7 4. This Court shall retain jurisdiction over this matter for purposes of
8 enforcement of the settlement.

9
10 Dated: 10/28/10



Honorable Richard Seeborg
United States District Court Judge