

E-Filed 11/22/10

1 DICKSTEIN SHAPIRO LLP
 2 Alfred R Fabricant (admitted *pro hac vice*)
 3 fabricanta@dicksteinshapiro.com
 4 Lawrence C. Drucker (admitted *pro hac vice*)
 5 druckerl@dicksteinshapiro.com
 6 Cindy Yang (admitted *pro hac vice*)
 7 yangc@dicksteinshapiro.com
 8 Bryan N. DeMatteo (admitted *pro hac vice*)
 9 dematteob@dicksteinshapiro.com
 10 1633 Broadway
 11 New York, NY 10019-6708
 12 Telephone: (212) 277-6500
 13 Fax: (212) 277-6501

14 and

15 Lawrence R. LaPorte (SBN 130003)
 16 laporte@dicksteinshapiro.com
 17 2049 Century Park East, Suite 700
 18 Los Angeles, CA 90067

19 Attorneys for Plaintiff
 20 BALTHASER ONLINE, INC.

21 GIBSON, DUNN & CRUTCHER LLP
 22 Wayne M. Barsky (SBN 116731)
 23 wbarsky@gibsondunn.com
 24 2029 Century Park East
 25 Los Angeles, CA 90067-3026
 26 Telephone: (310) 557-8183
 27 Facsimile: (310) 552-7010

28 and

29 Sarah E. Piepmeier (SBN 227094)
 30 spiepmeier@gibsondunn.com
 31 555 Mission Street, Suite 3000
 32 San Francisco, CA 94105
 33 Telephone: (415) 393-8200
 34 Facsimile: (415) 374-8404

35 Attorneys for Defendant
 36 LIVE JOURNAL, INC.

1
2
3
4
5
6
7
8
9
10
11
12

**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 LIVE JOURNAL, INC.**

13
14
15
16
17
18
19
20
21
22
23
24

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 Live Journal, Inc. (“Live Journal”); (2) on January 12, 2009, Live Journal filed an Answer and Affirmative Defenses to the Complaint; (3) on January 15, 2009, Balthaser filed a First Amended Complaint; (4) on February 2, 2009, Live Journal filed an Answer and Affirmative Defenses to the 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 Live Journal, 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.

25
26
27


WHEREAS, Balthaser and Live Journal 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 Live Journal 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.

13
14
15 Dated: 11/22/10



Honorable Richard Seeborg
United States District Court Judge