

\*E-Filed 11/24/10\*

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

No. 3:09-cv-05422-RS

1 Attorneys for Defendant  
2 NIKE, INC.

3 **UNITED STATES DISTRICT COURT**  
4 **NORTHERN DISTRICT OF CALIFORNIA**  
5 **SAN FRANCISCO DIVISION**

7 BALTHASER ONLINE, INC.,

No. 3:09-cv-05422-RS

8 Plaintiff,

9 v.

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

11 ELECTRONIC ARTS, INC, et al.

12 Defendants.

13  
14  
15 **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 Nike, Inc. (“Nike”); (2) on January 2, 2009, Nike filed an Answer and Affirmative Defenses; (3) on January 15, 2009, Balthaser filed a First Amended Complaint; (4) on February 2, 2009, Nike filed an Answer and Affirmative Defenses to the 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 Nike, 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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1                   **WHEREAS**, Balthaser and Nike have reached a mutually satisfactory resolution of  
2 all issues between them that were the subject of Civil Action No. 2:08-cv-430 (DF) and the above-  
3 styled action (collectively, the “Action”);

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

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

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

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

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

16  
17 Dated: 11/24/10

18   
19 Honorable Richard Seeborg  
20 United States District Court Judge