

\*E-Filed 11/30/10\*

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

9 and

10 Lawrence R. LaPorte (SBN 130003)  
 11 laporte@dicksteinshapiro.com  
 2049 Century Park East, Suite 700  
 12 Los Angeles, CA 90067

13 Attorneys for Plaintiff  
 14 BALTHASER ONLINE, INC.

15 COOLEY LLP  
 16 Timothy S. Teter (SBN 171451)  
 Lowell D. Mead (SBN 223989)  
 17 Five Palo Alto Square  
 18 3000 El Camino Real  
 Palo Alto, CA 94306-2155  
 19 Telephone: (650) 843-5000  
 Facsimile: (650) 857-0663

20 Attorneys for Defendant  
 21 Hi5 NETWORKS, INC.

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

26 BALTHASER ONLINE, INC.,

No. 3:09-cv-05422-RS

---

27  
 28 **[Proposed]** Order Dismissing Defendant Hi5 Networks, Inc.

No. 3:09-cv-05422-RS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Plaintiff,  
  
v.  
  
ELECTRONIC ARTS, INC, et al.  
  
Defendants.

**~~[PROPOSED]~~ ORDER DISMISSING  
DEFENDANT Hi5 NETWORKS, INC.**

**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 Hi5 Networks, Inc. (“Hi5”); (2) on January 5, 2009, Hi5 filed an Answer to Plaintiff’s Complaint; (3) on January 15, 2009, Balthaser filed a First Amended Complaint; (4) on February 2, 2009, Hi5 filed an Answer 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 Hi5, 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.

**WHEREAS,** Balthaser and Hi5 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”);

**WHEREAS,** Balthaser and Hi5 (individually, the “Party”; collectively, the “Parties”) have filed a Stipulation of Dismissal (the “Stipulation”) with this Court advising the Court that the parties have reached a mutually satisfactory resolution of all issues between them that were subject of this Action;

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

4           1. All claims and counterclaims asserted by either Party in the Action against the  
5 other are hereby dismissed with prejudice;

6           2. Each Party shall bear its own costs, expenses and attorneys' fees associated  
7 with the prosecution and defense of this Action;

8           3. This Court denies all unresolved pending motions in the Action between the  
9 Parties as moot; and

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

12  
13 **IT IS SO ORDERED.**

14  
15 Dated: 11/30/10



Honorable Richard Seeborg  
United States District Court Judge