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8 Attorneys for Plaintiffs

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10 **UNITED STATES DISTRICT COURT**  
11 **NORTHERN DISTRICT OF CALIFORNIA**

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13 MARION ZIMMER BRADLEY LITERARY  
14 WORKS TRUST,

15 and

16 ANN SHARP, Trustee,  
17 Plaintiffs,

18 v.

19 MARY BATTLE, and DOE 1,

20 Defendants.

Case No.: 3:12-CV-00073 MEJ

**STIPULATED MOTION TO ENTER  
CONSENT DECREE AND DISMISSAL  
[Fed. R. Civ. P. 41(a)]**

21 Plaintiffs Marion Zimmer Bradley Literary Works Trust and Ann Sharp, its Trustee, and  
22 Defendant Mary Battle, by and through their undersigned attorneys, hereby request that the Court  
23 enter the Consent Decree Attached hereto as Exhibit 1. All parties have agreed to the terms of the  
24 Decree, as evidenced by their signatures thereon. In addition, the parties request that the Court  
25 dismiss this action with prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). As set  
26 forth in the Consent Decree, the parties stipulate and request that the District Court retain  
27 jurisdiction to enforce the terms and conditions of this Consent Decree and to resolve disputes  
28 arising hereunder as may be necessary or appropriate for the construction or execution of this

STIPULATED MOTION FOR ENTRY OF CONSENT DECREE;  
DISMISSAL per RULE 41(a); AND [PROPOSED] ORDER 1

3:12-CV-00073 MEJ

1 Consent Decree. *See Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 381 (1994).

2 On June 26, 2012, counsel for Defendant authorized counsel for Plaintiff to sign and file  
3 this Stipulated Motion on behalf of all parties.

4 Dated: June 26, 2012

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By: /s/ Kelley A. Way

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Kelley A. Way  
Attorney for Plaintiffs Marion Zimmer Bradley  
Literary Works Trust and Ann Sharp, Trustee

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Dated: June 26, 2012

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By: /s/ David R. Owens

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David R. Owens  
Attorney for Defendant Mary Battle

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~~PROPOSED~~ ORDER

Good cause appearing, and the parties having stipulated and agreed,

IT IS HEREBY ORDERED that Plaintiffs Marion Zimmer Bradley Literary Works Trust and Ann Sharp, Trustee claims against Defendant Mary Battle, as set forth in the Complaint filed in Case No. 3:12-CV-00073 MEJ, are hereby dismissed with prejudice.

IT IS FURTHER ORDERED that the Consent Decree attached as Exhibit 1 to the Stipulated Motion to Enter Consent Decree and Dismissal is adopted and approved by this Court;

IT IS FURTHER ORDERED that the Court shall retain and have jurisdiction to enforce the terms and conditions of this Consent Decree and to resolve disputes arising hereunder as may be necessary or appropriate for the construction or execution of the Consent Decree. *See Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 381 (1994).

IT IS SO ORDERED

UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT COURT OF CALIFORNIA



Dated: June 27, 2012

Hon. Maria-Elena James  
Chief United States Magistrate Judge