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10 Attorneys for Plaintiff

11  
 12 IN THE UNITED STATES DISTRICT COURT  
 13 THE NORTHERN DISTRICT OF CALIFORNIA  
 14 OAKLAND DIVISION

15 CHRISTOPHER KRAMER, individually and on )  
 behalf of all others similarly situated, )  
 16 Plaintiff, )  
 17 v. )  
 18 AUTOBYTEL INC., a Delaware corporation, )  
 and B2MOBILE, LLC, a California limited )  
 19 liability company, and LEADCLICK MEDIA, )  
 INC., a California corporation, )  
 20 Defendants. )  
 21

Case No. 4:10-cv-02722 CW

**JOINT STIPULATION THAT  
 PLAINTIFF’S CLAIMS AGAINST  
 AUTOBYTEL ARE DISMISSED  
 WITH PREJUDICE AND [PROPOSED]  
 ORDER OF DISMISSAL**

22 Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), plaintiff Christopher Kramer and defendants  
 23 Autobytel Inc., B2Mobile, LLC, and LeadClick Media, Inc., by and through their respective  
 24 counsel, stipulate that this action be dismissed *with prejudice* as to all of the individual claims  
 25 advanced by Kramer as to Defendant Autobytel only, pursuant to an individual settlement reached  
 26 between the Kramer and Autobytel, and *without prejudice* as to all of the purported, uncertified  
 27 class action claims advanced by Kramer against Autobytel. The individual settlement and this  
 28

1 Rule 41(a)(1)(A)(ii) dismissal shall have no effect on any other rights of the Parties not  
2 specifically stated in the settlement agreement.

3  
4 Dated: October 22, 2010

EDELSON McGUIRE, LLC  
Attorneys for Plaintiff

5 By: s/ Christopher L. Dore  
6 Christopher L. Dore

7 Dated: October 22, 2010

DAVIS WRIGHT TREMAINE LLP  
Attorneys for Defendant Autobytel Inc.

8  
9 By: s/ Randy Gainer  
Randy Gainer

10  
11 Dated: October 22, 2010

SUMMIT LAW GROUP PLLC  
Attorneys for Defendant B2Mobile, LLC

12 By: s/ Phil McCune  
13 Phil McCune

14 Dated: October 22, 2010

REED SMITH, LLP  
Attorneys for Defendant LeadClick Media, Inc.

15  
16 By: s/ Roxanne M. Wilson  
Roxanne M. Wilson

17  
18 **PROPOSED ORDER**

19 Pursuant to the Federal Rule of Civil Procedure 41(a), IT IS HEREBY ORDERED:

20 That this action shall be and hereby is dismissed *with prejudice* and without costs as to all  
21 of the individual claims advanced by Kramer as to Defendant Autobytel only and *without*  
22 *prejudice* as to all of the purported, uncertified class action claims advanced by Kramer against  
23 Autobytel. The individual settlement and this Rule 41(a) dismissal shall have no effect on any  
24 other rights of the Plaintiff or Autobytel not specifically stated in the settlement agreement.

25 Dated: 10/26/2010

26   
27 CLAUDIA WILKEN  
28 United States District Judge

**Attestation Pursuant General Order 45 and Certificate of Service**

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I attest that I obtained the concurrence of each of the signatory attorneys shown above. I certify that on October 22, 2010, I electronically filed the foregoing document with the Clerk of the Court, using the CM/ECF system, which will send notification of such filing to the counsel of record in this matter who are registered on the CM/ECF system.

By: s/ Christopher L. Dore