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 6 TMX FUNDING INC., A Delaware Corporation and
 Counter-defendants BING SUN and JAMIE KNIEP
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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 TMX FUNDING INC., A Delaware
 11 Corporation,

Case No. C10-00202 JF

12 Plaintiff,

13 v.

**PLAINTIFF’S REQUEST FOR
 DISMISSAL OF DEFENDANTS
 IMPERO TECHNOLOGIES, INC.,
 CLARENCE NICHOLAS
 STEIGELMAN, MITCHELL
 HEINLEIN, JOSEPH ZHANG,
 MICHELLE DOVER, AND BITTEL
 TECHNOLOGY, INC. WITH
 PREJUDICE**

14 IMPERO TECHNOLOGIES, INC., A
 California Corporation, CLARENCE
 15 NICHOLAS STEIGELMAN, An
 Individual, RONALD J. LESNIAK, An
 16 Individual, DAVID LESNIAK, An
 Individual, MITCHELL A. HEINLEIN,
 17 An Individual, JOSEPH ZHANG, a.k.a.
 XIANGCHOU ZHANG, An Individual,
 18 MICHELLE DOVER, An Individual,
 BITTEL TECHNOLOGY, INC., A
 19 California Corporation

[Proposed] Order filed herewith

20 Defendants.

21 RONALD S. LESNIAK,

22 Counter-Claimant,

23 vs.

24 TMX FUNDING, INC., BING SUN,
 25 JOSE QUIROS, JAIME KNIEP

26 Counter-Defendants
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1 Pursuant to Federal Rules of Civil Procedure Rule 41(a)(2), Plaintiff TMX
2 Funding, Inc. (“TMX”) requests dismissal with prejudice of Defendants Impero
3 Technologies, Inc. Clarence Nicholas Steigleman, Joseph Zhang, Mitchell Heinlein,
4 Michelle Dover, and Bittel Technologies, Inc. (“Impero Defendants”) as follows:

5 A. On November 23, 2010, the Court entered a final Judgment and
6 Permanent Injunction against the Impero Defendants;

7 B. There being a Final Judgment and Permanent Injunction entered as to
8 the Impero Defendants, the Impero Defendants should be dismissed with prejudice
9 from ongoing proceedings in this action;

10 C. The Judgment and Permanent Injunction entered on November 23,
11 2010 remains a final judgment against the Impero Defendants and the Court shall
12 continue to retain jurisdiction to enforce the Judgment and Permanent Injunction.

13 DATED: January 21, 2011

BUCHALTER NEMER
A Professional Corporation

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17 By: /s/ Carol A. Dwyer
Peter D. Holbrook
Carol A. Dwyer
Attorneys for
18 Plaintiff/Counterdefendant
19 TMX FUNDING, INC., A Delaware
20 Corporation and Counterdefendants
BING SUN and JAMIE KNIEP

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[PROPOSED] ORDER OF DISMISSAL


The Court having considered Plaintiff TMX Funding, Inc.’s (“TMX” or “Plaintiff) Request for Dismissal of Defendants Impero Technologies, Inc. (“Impero”), Bittel Technology, Inc., (“Bittel”), Clarence Nicholas Steigelman, (“Steigelman”), Yizhou “Joseph” Zhang, (“Zhang”), Michelle Dover, (“Dover”), and Mitchell Heinlein, (“Heinlein”), (“Impero Defendants”), hereby grants the Request, and now therefore:

IT IS HEREBY ORDERED THAT:

Defendants Impero Technologies, Inc., Bittel Technology, Inc., Clarence Nicholas Steigelman, Mitchell Heinlein, Yizhou “Joseph” Zhang, and Michelle Dover, are dismissed from this action with prejudice.

The Court shall continue to retain jurisdiction to enforce the final Judgment and Permanent Injunction entered against the Impero Defendants on November 23, 2010.

DATED: 1/27/11



HONORABLE JEREMY FOGEL
UNITED STATES DISTRICT JUDGE