

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

ANNE PEARSE-HOCKER,)	
)	
Plaintiff,)	
)	
v.)	No. 10-269 C
)	Judge Edward J. Damich
)	
THE UNITED STATES,)	
)	
Defendant.)	
)	

STIPULATION FOR ENTRY OF JUDGMENT

For purposes of settling and compromising the above action, plaintiff and defendant stipulate to the following:

1. Plaintiff warrants that she is and has been the exclusive owners of all right, title, and interest, in any copyrightable work incorporated in a collection of photographs that plaintiff donated to the Smithsonian Institution in 1997 (the Pearse-Hocker Collection). This collection was registered with the U.S. Copyright Office under Registration Certificate No. Ju-13546. Plaintiff brought this action to recover reasonable and entire compensation for alleged infringement of her copyright in the Pearse-Hocker Collection as well as damages for an alleged breach of contract relating to the Deed of Gift, the document by which plaintiff donated the Pearse-Hocker Collection to the Smithsonian Institution.

2. Plaintiff has submitted a written offer to defendant to settle this action by:

(a) fully releasing the United States from any and all claims relating to the reproduction, publication, distribution, adaptation, display and/or use by or for the defendant of the Pearse-Hocker Collection up to and including the date of entry of judgment, and further, fully releasing

the United States from all claims which were, or could have been, asserted against the United States in Court of Federal Claims Action No. 10-269 or any other proceeding, up to and including the date of entry of judgment with respect to the Pearse-Hocker Collection.

(b) Executing a separate Settlement Agreement (attached as Appendix A) setting forth the detailed terms of releases, agreements, and covenants that will become effective only upon entry of the stipulated judgment provided herein.

3. Defendant has duly agreed to accept this offer.

4. In consideration for this Stipulation for Entry of Judgment and the Settlement Agreement, plaintiff and defendant have agreed to allow final judgment in this action to be entered in favor of plaintiff and against defendant for the total lump sum of Forty Thousand Dollars (\$40,000). A Proposed Order is attached as Appendix B.

5. In accordance with the terms of the offer and acceptance and to secure the performance thereof, defendant, by its authorized representative of the Attorney General, and plaintiff hereby enter into this Stipulation to be filed in the above-identified action for the purpose of causing a final judgment to be entered against defendant in accordance with the terms set forth in paragraphs 2 and 4 above.

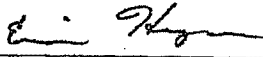
6. The parties agree to bear their own costs and attorney's fees.

7. In the event that the court declines, in whole or part, to enter judgment in accordance with this stipulation, it shall be null, void, and without prejudice to any party.

Respectfully submitted,

THOMPSON HINE LLP


Dated: June 9, 2011

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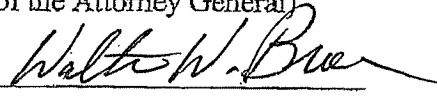
Counsel for Plaintiff Anne Pearse-Hoeker

TONY WEST
Assistant Attorney General

Dated: June 7, 2011


JOHN FARGO
Director
(Authorized Representative
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Dated: June 9, 2011


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