

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

SMITH OPTICS, INC., an Idaho corporation,)	Case No. 1:12-cv-0120-BLW
Plaintiff,)	
v.)	ORDER GRANTING JOINT
)	MOTION TO DISMISS
OAKLEY, INC., a Washington corporation; and)	<u>DEFENDANT EYE SAFETY</u>
EYE SAFETY SYSTEMS, INC.,)	<u>SYSTEMS, INC. ONLY WITH</u>
a Delaware corporation,)	PREJUDICE
Defendants.)	
)	
AND RELATED COUNTERCLAIMS)	
)	
)	

The Court having considered the parties' Joint Motion to Dismiss Defendant Eye Safety Systems, Inc. Only With Prejudice Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), and for good cause shown, hereby GRANTS the parties' joint motion.

NOW THEREFORE IT IS HEREBY ORDERED that:

- (1) Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, all claims, counterclaims and defenses currently pending between Smith and ESS only are hereby dismissed with prejudice; and,
- (2) Smith and ESS shall bear their own costs and attorneys' fees.
- (3) The Court shall retain jurisdiction over this matter to enforce compliance with the Settlement Agreement.



DATED: November 20, 2012

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B.Lynn Winmill
Chief Judge United States District Court