

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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RECORDED BOOKS, LLC,	:	Civil Action No. 8:07-cv-01427-DKC
	:	
Plaintiff,	:	
	:	<u>JOINT MOTION FOR ORDER OF</u>
v.	:	<u>DISMISSAL WITHOUT</u>
	:	<u>PREJUDICE</u>
OCLC ONLINE COMPUTER LIBRARY	:	
CENTER, INC. d/b/a NETLIBRARY,	:	
	:	
Defendant.	:	
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Plaintiff Recorded Books, LLC (“Recorded Books”) and Defendant OCLC Online Computer Library Center, Inc. d/b/a NetLibrary (“NetLibrary”) hereby jointly move pursuant to Local Rule 111 for entry of an order of dismissal without prejudice to the right of a party to move for good cause to reopen the case within sixty (60) days of the order of dismissal if the settlement is not consummated.

As grounds for this motion, Recorded Books and NetLibrary state as follows:

1. Recorded Books and NetLibrary have reached agreement on the terms of settlement of the entire case, including all claims, counter-claims, and claims for attorneys’ fees and costs, and thus the instant case should be dismissed.
2. Recorded Books and NetLibrary have not yet consummated the settlement, although they expect to do so within sixty (60) days.

WHEREFORE, Recorded Books and NetLibrary respectfully request that this Court allow their joint motion for order of dismissal without prejudice. A proposed Order is submitted herewith.

Respectfully submitted,

RECORDED BOOKS, LLC

By its attorneys,

/s/ R. David Hosp

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Dated: November 12, 2007

Respectfully submitted,

OCLC ONLINE COMPUTER LIBRARY
CENTER, INC. d/b/a NETLIBRARY

By its attorneys,

/s/ Randall H. Miller

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on November 12, 2007.

/s/ R. David Hosp

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