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 SHFL entertainment, Inc.

8
 9 **UNITED STATES DISTRICT COURT**
 10 **DISTRICT OF NEVADA**

11 SHFL ENTERTAINMENT, INC., a
 Minnesota corporation,
 12
 13 Plaintiff,
 14 v.
 15 AVALINX, INC., an Ohio limited
 liability company,
 16
 17 Defendant.

Case No. 2:12-cv-01042-JCM-CWH

**STIPULATION AND
 ORDER TO DISMISS CASE WITHOUT
 PREJUDICE**

19 Plaintiff SHFL entertainment, Inc. ("Plaintiff"), by and through its attorneys of record, the
 20 law firm of Brownstein Hyatt Farber Schreck, LLP, and Defendant Avalinx, Inc. ("Defendant"),
 21 by and through its attorneys of record, the Law Offices of John A. Curtas, hereby submit this
 22 Stipulation and Order to Dismiss Case Without Prejudice, and in support thereof stipulate and
 23 agree as follows:

24 WHEREAS, Plaintiff initiated the above-referenced case, *SHFL entertainment, Inc. v.*
 25 *Avalinx, Inc.*, Case No. 2:12-cv-01042-JCM-CWH ("Nevada Action") by filing its Complaint for
 26 Damages and Injunctive Relief ("Complaint") on June 19, 2012. Defendant was served with the
 27 Summons and Complaint on June 21, 2012;

28 WHEREAS, Defendant filed its Answer to Complaint on January 3, 2013;

BROWNSTEIN HYATT FARBER SCHRECK, LLP
 100 NORTH CITY PARKWAY, SUITE 1600
 LAS VEGAS, NV
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1 WHEREAS, Plaintiff and Defendant are currently parties to an action pending in the
2 United States District Court for the Central District of California, entitled *SHFL entertainment,*
3 *Inc. v. Avalinx, Inc.* Case No. 2:12-cv-07473 DSF (MRWx) ("California Action");

4 WHEREAS, the parties have agreed to dismiss the Nevada Action without prejudice and
5 litigate the claims raised in the Nevada Action in California;

6 WHEREAS, on January 16, 2013, the parties filed a Stipulation to File First Amended
7 Complaint in the California Action, to amend the Complaint in the California Action so that it
8 includes the claims raised in the Nevada Action;

9 WHEREAS, on January 17, 2013, the First Amended Complaint was filed in the
10 California Action, including among other claims the claims raised in the Nevada Action;

11 WHEREAS, each party reserves the right to seek attorneys' fees and costs for the Nevada
12 Action at the conclusion of the California Action;

13 IT IS THEREFORE STIPULATED AND AGREED between Plaintiff and Defendant that
14 the Court enter an order dismissing the Nevada Action in its entirety, without prejudice, and with
15 the understanding that the claims in the Nevada Action will continue to be litigated in the
16 California Action.

17 DATED this 30th day of January, 2013.

DATED this 30th day of January, 2013.

19 BY: /s/ Laura E. Bielinski
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IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Case No. 2:12-cv-01042-JCM-CWH is dismissed in its entirety, WITHOUT PREJUDICE;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the parties' right to seek attorneys' fees and costs for the Nevada Action at the conclusion of the California Action is hereby preserved.

DATED: February 1, 2013


UNITED STATES DISTRICT JUDGE

Respectfully submitted,
BROWNSTEIN HYATT FARBER
SCHRECK, LLP

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