

ORIGINAL

**MANDATE**

UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT

NATIONAL BASKETBALL ASSOCIATION,

Plaintiff-Counter-  
Defendant-Appellant,

- vs. -

NATIONAL BASKETBALL PLAYERS  
ASSOCIATION, RON ARTEST, STEPHEN  
JACKSON, ANTHONY JOHNSON and  
JERMAINE O'NEAL

Defendants-Counter-  
Claimants-Appellees.

Docket No: 05-0445-CV

Docket No. Below:  
04 Civ. 09528 (GBD)  
(S.D.N.Y.) / *NYNY*

STIPULATION OF PARTIES  
TO DISMISS APPEAL  
(Fed. R. App. P. 42(b))

SEP 20 2005

S. D. OF N. Y.

The parties to this action stipulate that the appeal taken in this case by means of the notice of appeal filed by the National Basketball Association ("NBA") on January 26, 2005, may be dismissed with prejudice.

The parties agree and represent that:

1. On January 5, 2005, the United States District Court for the Southern District of New York entered judgment in Case No. 04-cv-9528.
2. On January 26, 2005, the NBA timely filed a notice of appeal.
3. On June 13, 2005, the NBA filed with this Court its brief, appendix and special appendix on this appeal.
4. On July 21, 2005, this Court granted Appellees' motion to extend time to file briefs. Appellees' brief would be due on or before September 12, 2005.

CERTIFIED

SEP 16 2005

5. Counsel, whose signatures appear on this stipulation, have the express authority of their clients to enter into this stipulation and to dismiss the appeal in this action with prejudice.

6. Each party will bear its own costs.

Dated: August 30, 2005  
New York, New York

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SO ORDERED:

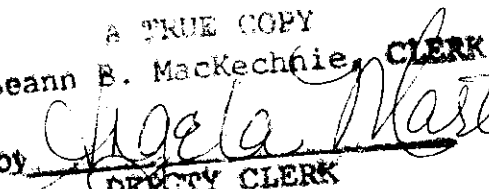
FOR THE COURT

Roseann B. MacKechnie, Clerk of Court

By 

Stanley A. Bass, Staff Counsel

Sept. 15, 2005

A TRUE COPY  
Roseann B. MacKechnie, CLERK  
by   
DEPUTY CLERK