

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**ROBERT BURCK d/b/a THE NAKED  
COWBOY,**

**Plaintiff,**

v.

**C.A. No. 08 Civ. 1330-DC**

**MARS, INCORPORATED**

**and**

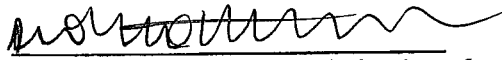
**CHUTE GERDEMAN, INC.,**

**Defendants.**

**STIPULATION OF DISMISSAL WITH PREJUDICE**

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiff Robert John Burck d/b/a The Naked Cowboy and Defendants Mars, Incorporated and Chute Gerdeman, Inc. hereby agree and stipulate that this action be and hereby is dismissed, with prejudice, each party to bear its own costs and attorneys' fees. The U.S. District Court for the Southern District of New York retains jurisdiction over this matter. Attached as Exhibit 1 hereto is a proposed order which the parties respectfully request the Court to enter.

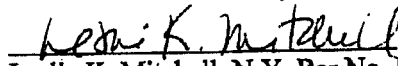
Respectfully submitted,



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Counsel for Robert John Burck d/b/a  
The Naked Cowboy  
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*Counsel for Plaintiff*

Dated: November 7, 2008



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*Counsel for Defendants*

Dated: November 6, 2008

**EXHIBIT 1**

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**ROBERT BURCK d/b/a THE NAKED  
COWBOY,**

**Plaintiff,**

**v.**

**MARS, INCORPORATED**

**and**

**CHUTE GERDEMAN, INC.,**

**Defendants.**

**C.A. No. 08 Civ. 1330-DC**

**STIPULATED ORDER OF DISMISSAL WITH PREJUDICE**

All parties to this action, having stipulated pursuant to Fed. R. Civ. P. 41 to dismissal of this action with prejudice, with each party to bear its own costs and attorneys' fees, it is hereby ORDERED that:

This action be, and hereby is, dismissed with prejudice. The U.S. District Court for the Southern District of New York retains jurisdiction over this matter.

\_\_\_\_\_  
United States District Judge