

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

John Doe,

PLAINTIFF,

vs.

SexSearch.com, et al.,

DEFENDANTS.

Case No. 3:07-cv-604

Judge Jack Zouhary

AGREED DISMISSAL OF
MONIKER ONLINE SERVICES, INC.

Plaintiff, John Doe, and Defendant, Moniker Online Services, Inc. (hereinafter referred to as “Moniker”), file this agreed dismissal of Moniker from this Matter pursuant to Federal Civil Rule 41(a)(1) with the following terms between Plaintiff and Moniker:

1. Moniker represents that it has made its best effort to provide Plaintiff, on an expedited basis, with the discovery as outlined in the Court’s Order, Dkt. #64 via email.
2. The dismissal of Moniker is without prejudice.
3. Moniker agrees to accept service of any subpoenas for information or witnesses via overnight courier (Federal Express, DHL, or similar carrier) at the address of Moniker’s Counsel whose address is reflected herein.
4. Moniker agrees to use good faith efforts to provide prompt responses to all future subpoenas and/or court orders for information. Moniker does not waive its right to assert any valid objection(s) to any such future subpoena.
5. Moniker agrees to cooperate in providing any necessary business records witnesses in Broward County, Florida to authenticate records produced pursuant to subpoena or Court Order.

6. Moniker and Plaintiff agree to take all reasonable steps to enable any Moniker business records witness to participate via video testimony from Broward County, Florida. In the event that video testimony is not available or allowed, Plaintiff shall arrange for the taking of the deposition of Moniker's business records witness in Broward County, Florida. Moniker shall not be required to produce its records custodian outside of Broward County, Florida.

/s/Joel Magolnick
Florida Bar No. 770668
Joel Magolnick
de la O, Marko, Magolnick & Leyton, P.A.
3001 S.W. 3rd Avenue
Miami, FL 33129
Tel: 305-285-2000
Fax: 305-285-5555
Email: magolnick@dmmlaw.com

/s/Dean Boland
Dean Boland 0065693
18123 Sloane Avenue
Lakewood, Ohio 44107
dean@deanboland.com
216.529.9371 phone
216.803.2131 fax
Attorney for John Doe

/s/ Brandie Hawkins
Brandie L. Hawkins 0078485
124 S. Metcalf Street
Lima Ohio 45801
gsubum@yahoo.com
419.225.5706 ph
419.225.6003 fax
Attorney for John Doe

CERTIFICATE OF SERVICE

A copy of the foregoing Agreed Dismissal was served by operation of the court's electronic filing system on all parties whom have filed notices of appearance as of this date and served by regular U.S. mail on April 5, 2007 on all other parties at the address provided in the complaint in this matter.

/s/Dean Boland
Dean Boland (0065693)