

**THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

THE SCOOTER STORE, INC., ET AL.,	)	Case No. 2:10-CV-0018-ALM-MRA
	)	
Plaintiffs,	)	JUDGE ALGENON L. MARBLEY
	)	
v.	)	MAGISTRATE JUDGE ELIZABETH
	)	PRESTON DEAVERS
SPINLIFE.COM, LLC,	)	
	)	
Defendant	)	

**ORDER OF (1) DISMISSAL WITH PREJUDICE OF ALL AFFIRMATIVE CLAIMS SET OUT IN THE FIRST AMENDED COMPLAINT OF PLAINTIFFS/COUNTERCLAIM DEFENDANTS THE SCOOTER STORE, INC. AND THE SCOOTER STORE, LTD.; (2) JUDGMENT ON BEHALF OF DEFENDANT/COUNTERCLAIM PLAINTIFF SPINLIFE.COM, LLC ON COUNTS III AND V SET OUT IN SPINLIFE.COM, LLC'S FIRST AMENDED COUNTERCLAIM; (3) DISMISSAL WITHOUT PREJUDICE OF COUNTS I, II, IV AND VI SET OUT IN DEFENDANT/COUNTERCLAIM PLAINTIFF SPINLIFE.COM, LLC'S FIRST AMENDED COUNTERCLAIM; AND (4) WITHDRAWAL, WITHOUT PREJUDICE TO REFILE, OF THE MOTION OF DEFENDANT/COUNTERCLAIM PLAINTIFF SPINLIFE.COM, LLC FOR INTERIM ATTORNEYS' FEES**

The Court being informed, it is hereby **ORDERED, ADJUDGED AND DECREED**

that:

- 1) All of the affirmative claims set out in the First Amended Complaint (Doc. 4) of plaintiffs/counterclaim defendants The Scooter Store, Inc. and The Scooter Store, Ltd. are dismissed *with prejudice* for the reasons stated in the Court's December 21, 2011 Opinion and Order (Doc. 140) and the Court's September 28, 2012 Opinion and Order (Doc. 152).
- 2) *Judgment is entered* on behalf of defendant/counterclaim plaintiff SpinLife.com, LLC on Counts III & V of defendant/counterclaim plaintiff SpinLife.com, LLC's First Amended Counterclaim (Doc. 61), for the reasons stated in the Court's December 21, 2011 Opinion and Order (Doc. 140).
- 3) Counts I, II, IV and VI set out in defendant/counterclaim plaintiff SpinLife.com, LLC's First Amended Counterclaim (Doc. 61) are dismissed *without prejudice*.

- 4) The Motion of Defendant/Counterclaim Plaintiff SpinLife.com, LLC for Interim Attorneys' Fees (Doc. 160) is withdrawn, *without prejudice* to it being refiled.

IT IS SO ORDERED.

7/18/16  
DATE

/s/ ALGENON L. MARBEY  
JUDGE ALGENON L. MARBLEY  
UNITED STATES DISTRICT COURT JUDGE

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