

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

NO. 09-10420

CATHRYN ELAINE HARRIS, on behalf of herself and all others
similarly situated; MARIO HERRERA, on behalf of himself and all
others similarly situated; AND MARYAM HOSSEINY, on behalf of herself
and all others similarly situated,

Plaintiffs-Appellees

v.

BLOCKBUSTER INC.,

Defendant-Appellant

DEPUTY CLERK



2010 FEB 23 PM 3:43

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

On Appeal from the United States District Court
for the Northern District of Texas, Dallas Division
No. 3:09-cv-217-M, Hon. Barbara M.G. Lynn, Judge Presiding

APPELLANT'S UNOPPOSED MOTION TO WITHDRAW APPEAL

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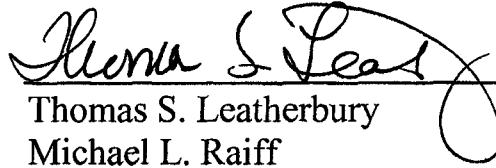
Appellant Blockbuster Inc. ("Blockbuster") files this Unopposed Motion to Withdraw Appeal and states as follows:

Blockbuster and Appellees Cathryn Elaine Harris, Mario Herrera, and Maryam Hosseiny (collectively, "Appellees") have satisfactorily compromised and settled all matters in dispute between them in this cause, and have agreed that Appellees' claims in this cause against Blockbuster should be dismissed with prejudice to their refiling. Except as set forth in the agreement between the parties, each party is to bear their own costs and fees.

The parties have conferred, and Appellees consent to this Motion.

WHEREFORE, PREMISES CONSIDERED, Blockbuster respectfully requests that this Court dismiss this appeal with prejudice.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Thomas S. Leatherbury", is written over a horizontal line. The signature is fluid and extends slightly to the right of the line.

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Attorneys for Appellant

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CERTIFICATE OF SERVICE

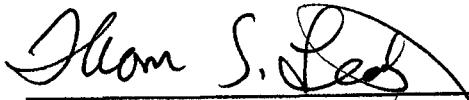
I certify that the required number of copies of this Unopposed Motion to Withdraw Appeal (both in paper and electronic format) were dispatched to the Clerk of the Fifth Circuit and to the following counsel of record via Hand-Delivery or Federal Express overnight delivery on this, the 11th day of February, 2010:

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IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 09-10420

CATHRYN ELAINE HARRIS, on behalf of herself and all others similarly situated; MARIO HERRERA, on behalf of himself and all others similarly situated; MARYAM HOSSEINY, on behalf of herself and all others similarly situated,

Plaintiffs - Appellees

v.

BLOCKBUSTER INC,

Defendant - Appellant

Appeal from the United States District Court for the
Northern District of Texas, Dallas

Pursuant to appellant's motion this appeal is dismissed this 15th day,
February, 2010, see FED. R. APP. P. 42(b).

A true copy
Attest:

Clerk, U. S. Court of Appeals, Fifth Circuit

By: *Maria R. Martin*
Deputy
New Orleans, Louisiana

Clerk of the United States Court
of Appeals for the Fifth Circuit

Gina Randazzo Martin

By: _____
Gina Randazzo Martin, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT

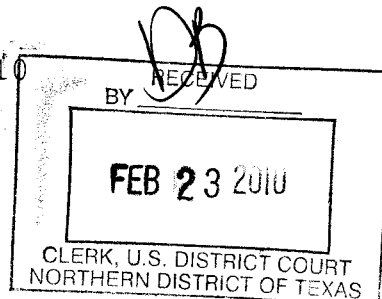
United States Court of Appeals

FIFTH CIRCUIT
OFFICE OF THE CLERK

CHARLES R. FULBRUGE III
CLERK

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February 15, 2010



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No. 09-10420, Cathryn Harris, et al v. Blockbuster Inc
USDC No. 3:09-CV-217

Enclosed is a copy of the judgment issued as the mandate.

CHARLES R. FULBRUGE III, Clerk

Gina Randazzo Martin

By: _____
Gina Randazzo Martin, Deputy Clerk
504-310-7687

cc: w/encl:
Mr. Michael L. Raiff
Mr. Marc Rotenberg
Mr. Jeremy R. Wilson

MDT-1