

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

HEARTBRAND BEEF, INC.

Plaintiff,

vs.

LOBEL'S OF NEW YORK, LLC,
WORLDWIDE MEDIA, INC. THOUGHT
CONVERGENCE, INC. and YAHOO! INC.
Defendants.

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Civil Action No. 6:08-cv-00062

ORDER

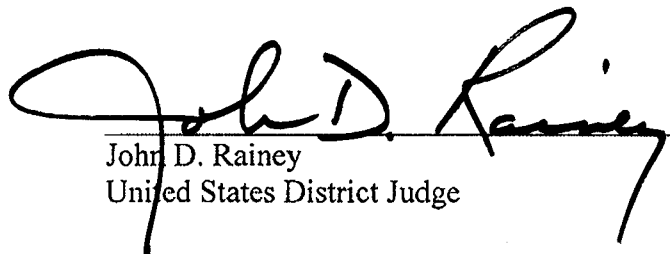
ON THIS DAY, came on for consideration "Joint Motion to Dismiss Defendant, Lobel's of New York, LLC With Prejudice", and the Court, after reviewing the Motion, pleadings and arguments of counsels is of the opinion that the Motion is well taken and should be GRANTED.

IT IS THEREFORE ORDERED that Defendant, Lobel's of New York, LLC is hereby dismissed from this lawsuit with prejudice.

IT IS FURTHER ORDERED that Plaintiff's "Motion for Leave to File Second Amended Complaint" (Docket No. 38) is hereby denied as moot.

IT IS FURTHER ORDERED that Defendant, Lobel's of New York, LLC "Motion by Defendant Lobel's of New York, LLC to Dismiss Under FRCP Rule 12(b) for Lack of Personal Jurisdiction, Improper Venue and/or Failure to Join a Required Party" (Docket No. 31) is hereby denied as moot.

SIGNED this 7th day of November, 2008.


John D. Rainey
United States District Judge