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CENTRAL DISTRICT OF CALIFORNIA
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8 Attorneys for The Brain Store, Inc.

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12 m.w. 4:35
13 CLERK, U.S. DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA
15 BY PAUL DENNISON and GAIL
16 DENNISON, individuals

17 UNITED STATES DISTRICT COURT
18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 **BY FAX**

20 Case No.: CV04-9116 RGK (VBKx)

21 **STIPULATION AND ORDER
22 REGARDING DISMISSAL OF
23 FIRST CAUSE OF ACTION FOR
24 VIOLATION OF SECTION 17200
25 OF THE CALIFORNIA BUSINESS
26 AND PROFESSIONS CODE**

27 Plaintiffs,
28 v.
29 THE BRAIN STORE, INC., a
30 California Corporation, and Does 1
31 through 10, inclusive.
32 Defendants.

33 Room: 850
34 Judge: Hon. R. Gary Klausner

35 WHEREAS counsel for the parties engaged in a L.R. 7-3 pre-motion
36 conference in which counsel for Plaintiffs and Defendant discussed Defendant's
37 counsel's intent to file motions: (1) To transfer the case to the United States
38 District Court for the Southern District of California pursuant to 28 U.S.C.
39 1391(c); and (2) To dismiss the First Cause of Action for violation of California
40 Business and Professions Code section 17200 ("Section 17200") on the grounds
41 that the Section 17200 claim is preempted by the Copyright Act; and

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WHEREAS counsel for Plaintiff has agreed to dismiss the First Cause of Action for violation of California Business and Professions Code section 17200, without prejudice;

NOW THEREFORE, the parties, by and through their counsel of record, hereby stipulate as follows:

1. The First Cause of Action in the above captioned action for violation of California Business and Professions Code section 17200 et seq, shall be dismissed, without prejudice.

THE TECH LAW GROUP, P.C.

DATED: December 3, 2004

By: Jonathan A. Paul
Jonathan A. Paul, Esq, Attorneys for
Defendant The Brain Store, Inc.
LAW OFFICE OF K.M. NEISWENDER

DATED: December __, 2004

By: Kate M. Neiswender
Kate M. Neiswender, Esq. Attorney
for Plaintiffs Paul Dennison and Gail
Dennison

ORDER

Based on the stipulation of the parties and for good cause, IT IS HEREBY ORDERED: The First Cause of Action in the above captioned action for violation of California Business and Professions Code section 17200 et seq is hereby dismissed, without prejudice.

DATED: December __, 2004

Honorable R. Gary Klausner
Judge of the United States
District Court for the Central
District of California

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WHEREAS counsel for Plaintiff has agreed to dismiss the First Cause of Action for violation of California Business and Professions Code section 17200, without prejudice;

NOW THEREFORE, the parties, by and through their counsel of record, hereby stipulate as follows:

1. The First Cause of Action in the above captioned action for violation of California Business and Professions Code section 17200 et seq, shall be dismissed, without prejudice.

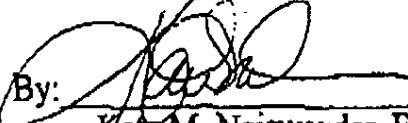
THE TECH LAW GROUP, P.C.

DATED: December __, 2004

By: Jonathan A. Paul, Esq. Attorneys for Defendant The Brain Store, Inc.

LAW OFFICE OF K.M. NEISWENDER

DATED: December 3, 2004

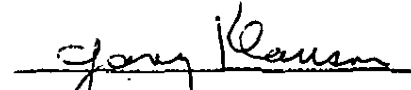
By: 
Kate M. Neiswender, Esq. Attorney for Plaintiffs Paul Dennison and Gail Dennison

ORDER

Based on the stipulation of the parties and for good cause, IT IS HEREBY ORDERED: The First Cause of Action in the above captioned action for violation of California Business and Professions Code section 17200 et seq is hereby dismissed, without prejudice.

DATED: December 7, 2004

DEC - 7 2004


Honorable R. Gary Klausner
Judge of the United States
District Court for the Central
District of California

SCANNED

NAME, ADDRESS AND TELEPHONE NUMBER OF ATTORNEY(S)

Jonathan A. Paul, Esq. SBN 216455
THE TECH LAW GROUP, P.C.
750 B Street, Suite 2850, San Diego, CA 92101
(619) 881-2305

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PAUL DENNISON and GAIL DENNISON,
individuals

PLAINTIFF(S).

v.

THE BRAIN STORE, INC. a California
Corporation, and Does 1 through 10,
inclusive

DEFENDANT(S).

CASE NUMBER

CV04-9116 RGK (VBKx)

PROOF OF SERVICE - ACKNOWLEDGMENT
OF SERVICE

I, the undersigned, certify and declare that I am over the age of 18 years, employed in the County of San Diego, State of California, and not a party to the above-entitled cause. On December 3, 2004, I served a true copy of Stipulation and Order Regarding Dismissal of First Cause of Action for Violation of Sec. 17200 of the Cal. Bus. & Prof. Code by personally delivering it to the person (s) indicated below in the manner as provided in FRCivP 5(b); by depositing it in the United States Mail in a sealed envelope with the postage thereon fully prepaid to the following: (list names and addresses for person(s) served. Attach additional pages if necessary.)

Place of Mailing: Kate M. Neiswender, PO Box 24617, Ventura, CA 93002

Executed on December 3, 2004 at San Diego, California

Please check one of these boxes if service is made by mail:

- I hereby certify that I am a member of the Bar of the United States District Court, Central District of California.
- I hereby certify that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.
- I hereby certify under the penalty of perjury that the foregoing is true and correct.

Jonathan Paul
Signature of Person Making Service

ACKNOWLEDGEMENT OF SERVICE

I, _____, received a true copy of the within document on _____.

Signature

Party Served