

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 2/10/09

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAPITOL RECORDS, LLC, a Delaware Corporation; CAROLINE RECORDS, INC., a New York Corporation; VIRGIN RECORDS AMERICA, INC., a California Corporation; EMI BLACKWOOD MUSIC, INC., a Connecticut Corporation; EMI APRIL MUSIC, INC., a Connecticut Corporation; EMI FULL KEEL MUSIC, INC., a duly licensed Corporation; EMI VIRGIN MUSIC, INC., a New York Corporation; EMI ROBBINS CATALOG, INC., a New York Corporation; EMI WATERFORD MUSIC, INC., a California Corporation; EMI GROVE PARK MUSIC, INC., a California Corporation; COLGEMS-EMI MUSIC, INC., a Delaware Corporation; and EMI VIRGIN SONGS, INC., a New York Corporation,

Plaintiffs,

v.

VIDEOEGG, INC. d/b/a VIDEOEGG.COM, a Delaware corporation; HI5 NETWORKS, INC. d/b/a HI5.COM; and DOES 1-10, inclusive,

Defendants.

Case No. 08 CV 5831

**STIPULATION AND ORDER
OF DISMISSAL WITH PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED, by the undersigned, the attorneys for plaintiffs Capitol Records, LLC, Caroline Records, Inc., Virgin Records America, Inc., EMI Blackwood Music, Inc., EMI April Music, Inc., EMI Full Keel Music, Inc., EMI Virgin Music, Inc., EMI Robbins Catalog, Inc., EMI Waterford Music, Inc., EMI Grove Park Music, Inc., Colgems-EMI Music, Inc., and EMI Virgin Songs, Inc. (collectively, "Plaintiffs"), on the one hand, and defendants VideoEgg, Inc. d/b/a VideoEgg.com and Hi5 Networks, Inc. d/b/a Hi5.com, on the other hand, that the claims in Case No. 08-CIV-5831 be and hereby are

dismissed with prejudice pursuant to Fed. R. Civ. Pro. 41(a)(1), each party to bear its own fees and costs.

7/06

The Clerk is instructed to close this case and remove it from my docket.

Dated: March 3, 2009
New York, New York

MITCHELL SILBERBERG & KNUPP LLP

ORRICK, HERRINGTON & SUTCLIFFE
LLP

By: Christine Lepera / MCA
Christine Lepera
12 East 49th Street, 30th Floor
New York, NY 10017
(212) 509-3900 (main)
(917) 546-7703 (phone)
(917) 546-7673 (fax)
Attorneys for Plaintiffs

By: _____
Lisa T. Simpson
666 Fifth Avenue
New York, NY 10103
(212) 506-5000 (main)
(212) 506-3767 (phone)
(212) 506-5151 (fax)
Attorneys for Defendant VidcoEgg, Inc.

COOLEY GODWARD KRONISH LLP

By: Janet Cullum / MS
Janet L. Cullum
1114 Avenue of the Americas
New York, NY 10036-7798
(212) 479-6000 (phone)
(212) 479-6275 (fax)
Attorneys for Defendant hi5 Networks, Inc.

SO ORDERED:

Harold Baer 3/10/09
Honorable Harold Baer,
United States District Court Judge,
Southern District of New York

dismissed with prejudice pursuant to Fed. R. Civ. Pro. 41(a)(1), each party to bear its own fees and costs.

Dated: March _____, 2009
New York, New York

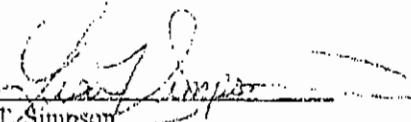
MITCHELL SILBERBERG & KNUPP LLP

By: _____
Christine Lepera
12 East 49th Street, 30th Floor
New York, NY 10017
(212) 509-3900 (main)
(917) 546-7703 (phone)
(917) 546-7673 (fax)
Attorneys for Plaintiffs

COOLEY GODWARD KRONISH LLP

By: _____
Janet L. Cullum
1114 Avenue of the Americas
New York, NY 10036-7798
(212) 479-6000 (phone)
(212) 479-6275 (fax)
Attorneys for Defendant hi5 Networks, Inc.

ORRICK, HERRINGTON & SUTCLIFFE
LLP

By: 
Lisa T. Simpson
666 Fifth Avenue
New York, NY 10103
(212) 506-5000 (main)
(212) 506-3767 (phone)
(212) 506-5151 (fax)
Attorneys for Defendant VideoEgg, Inc.

SO ORDERED:

Honorable Harold Baer,
United States District Court Judge,
Southern District of New York