

1 With the invaluable help of Judge Laporte, the parties have settled this case. The settlement
2 agreement is attached as Exhibit A for the Court's reference.

3 The terms of the agreement call for the parties to submit two documents to the Court to be
4 filed. These are: a stipulated permanent injunction, which is attached as Exhibit B, and an order
5 dismissing the case, which is attached as Exhibit C. The parties respectfully request that the Court
6 enter these documents. The dismissal order references a stipulated judgment to be entered only in
7 the event of a default in the payment obligations specified in the settlement. To avoid confusion
8 we have not attached that document to this motion, but we would be happy to provide a copy to the
9 Court if the Court wishes.
10

11 The parties believe this matter may be treated as an administrative motion but of course
12 would be pleased to respond promptly to any questions or comments the Court may have.
13

14 Respectfully submitted,

15 DATED: February 18, 2010

16 By _____ /s/

17 David McGowan (SBN 154289)
18 Warren Hall
19 5998 Alcala Park
20 San Diego CA 92110
21 dmcgowan@sandiego.edu
22 Telephone: 619-260-7973
23 Facsimile: 619-260-2748
24 ATTORNEY FOR PLAINTIFF

25 By _____ /s/

26 R. Scott Jerger (*pro hac vice*)
27 Field Jerger LLP
28 621 SW Morrison, Suite 1225
Portland, Oregon 97205
scott@fieldjerger.com
503.542.2015 (phone)
503.225.0276 (fax)