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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

CECILIA L. BARNES,

Plaintiff,

v.

YAHOO! INC.,

Defendant.

Civil Action No. 6:05-CV-926-AA

**STIPULATION AND [PROPOSED]
ORDER REGARDING DISMISSAL
WITH PREJUDICE OF ENTIRE
ACTION**

Plaintiff Cecilia L. Barnes and Defendant Yahoo! Inc. (“Yahoo!”) hereby stipulate, by and through their respective counsel of record, as follows:

STIPULATION AND [PROPOSED] ORDER
REGARDING DISMISSAL WITH PREJUDICE
OF ENTIRE ACTION

Page 1

WHEREAS, on May 24, 2005, Cecilia L. Barnes commenced this action in the Circuit Court of the State of Oregon for the County of Multnomah, captioned *Cecilia L. Barnes v. Yahoo!, Inc.*, Case No. 0505-05520;

WHEREAS, on June 23, 2005, Yahoo! removed the above-referenced action to this Court;

WHEREAS, on July 27, 2005, Yahoo! moved to dismiss the complaint under Rule 12(b)(6) of the Federal Rules of Civil Procedure;

WHEREAS, on November 8, 2005, this Court granted Yahoo!'s motion to dismiss, and issued an order dismissing the lawsuit;

WHEREAS, on December 5, 2005, Cecilia L. Barnes noticed an appeal of this Court's dismissal of the lawsuit to the United States Court of Appeals for the Ninth Circuit, captioned *Cecilia L. Barnes v. Yahoo!, Inc.*, No. 05-36189;

WHEREAS, on May 7, 2009, the United States Court of Appeals for the Ninth Circuit issued an opinion affirming in part, reversing in part, and remanding for further proceedings;

WHEREAS, on June 22, 2009, the United States Court of Appeals for the Ninth Circuit issued an order amending opinion and amended opinion, affirming in part, reversing in part, and remanding for further proceedings;

WHEREAS, on August 10, 2009, Cecilia L. Barnes filed an Amended Complaint against Yahoo! in this Court;

WHEREAS, on August 31, 2009, Yahoo! moved to dismiss the Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure; and

WHEREAS, on December 11, 2009, this Court denied Yahoo!'s motion to dismiss the Amended Complaint;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between Cecilia L. Barnes and Yahoo!, through their respective counsel of record, that:

1. The entire action, including all claims, shall be dismissed *with prejudice* pursuant to Rule 41(a)(1)(A)(ii) of Federal Rule of Civil Procedure;
2. All rights of appeal are waived; and
3. Each party shall bear its own costs and fees.

IT IS SO STIPULATED.

Dated: March 31, 2010

KELL ALTERMAN & RUNSTEIN, LLP

By: /s/ Thomas R. Rask
Thomas R. Rask, Esq.

Attorneys for Plaintiff Cecilia L. Barnes

Dated: March 31, 2010

WILMER CUTLER PICKERING
HALE AND DORR LLP

By: /s/ Samuel J. Maselli
Samuel J. Maselli, Esq.

Attorneys for Defendant Yahoo! Inc.

STIPULATION AND [PROPOSED] ORDER
REGARDING DISMISSAL WITH PREJUDICE
OF ENTIRE ACTION

Page 3

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

Honorable Ann L. Aiken