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6 Attorneys for Plaintiffs
7 THOUGHT CONVERGENCE, INC. and NAME
INTELLIGENCE, LLC
8

9 UNITED STATES DISTRICT COURT
10 CENTRAL DISTRICT OF CALIFORNIA
11 WESTERN DIVISION
12

13 THOUGHT CONVERGENCE, INC., a
Delaware Corporation and NAME
14 INTELLIGENCE, LLC, a Delaware
limited liability company,
15 Plaintiffs,
16

No. CV-09-03088 R(AJWx)

STIPULATION TO DISMISS
WITHOUT PREJUDICE DEFENDANT
DOTMOVIE AND THE FOURTH
CLAIM FOR RELIEF FOR
INTERFERENCE WITH CONTRACT

17 v.

CrtRm: 8
Judge: Manuel L. Real

18 JAY WESTERDAL, an individual; PER
WESTERDAL, an individual; RAY
19 BERO, an individual; CAMERON
JONES, an individual; and NAME
20 INTELLIGENCE, INC., a Washington
corporation; DOTMOVIE, an unknown
entity,
21 Defendants.

22
23 Plaintiffs Thought Convergence, Inc, ("TCI") and Name Intelligence, LLC
24 ("NIL")(collectively referred to as "Plaintiffs") and Defendants Jay Westerdal
25 ("J. Westerdal"), Per Westerdal and Name Intelligence Inc. (collectively referred to
26 as "Defendants") hereby enter into this stipulation based on the following facts:
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28

1 1. Plaintiffs named DotMovie, an unknown entity, as a defendant in their
2 First Amended Complaint (“FAC”) in the above captioned action (“Present Action”).

3 2. Plaintiffs alleged “[o]n information and belief, Defendant DotMovie is a
4 business entity with a website located at www.dotmovieregistry.com. On
5 information and belief, DotMovie has its principle place of business in Mercer
6 Island, Washington and J. Westerdal is its CEO and founder.” FAC ¶ 12.

7 3. Plaintiffs’ Fourth Claim for Relief for interference with contract is
8 directed only against DotMovie. This claim alleges that DotMovie knew that
9 J. Westerdal contracted with Plaintiffs to devote his full business effort and time to
10 TCI and the NIL businesses. This claim further alleges that in disregard of this
11 contract, DotMovie usurped J. Westerdal’s time and energy, which interfered with
12 the contract and resulted in damages to Plaintiffs. Id. ¶¶ 56-61.

13 4. Defendant J. Westerdal has represented to Plaintiffs that DotMovie is
14 not a legal entity. It is not any form of business entity (e.g., a corporation, a limited
15 liability partnership, a limited liability company, a dba etc.) that can be the subject of
16 a lawsuit. DotMovie is merely a website name and a proprietary idea belonging to
17 J. Westerdal, with no employees and no operations.

18 5. Based on these representations by J. Westerdal regarding DotMovie,
19 Plaintiffs have agreed to dismiss DotMovie from the Present Action without
20 prejudice, and further to dismiss the Fourth Claim for Relief, which only names
21 DotMovie.

22 Based on the foregoing, Plaintiffs and Defendants hereby STIPULATE
23 through their respective attorneys of record to the following:

24 1. That defendant DotMovie is dismissed without prejudice from the
25 Present Action.

26 2. That the Fourth Claim for Relief for interference with contract is
27 dismissed without prejudice from the First Amended Complaint.

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1 3. That if discovery reveals DotMovie was anything other than as
2 described herein at the time of execution of this Stipulation, Defendant J. Westerdal
3 shall stipulate to Plaintiffs amending the First Amended Complaint to reallege claims
4 against DotMovie and that such amendment shall relate back to the date the original
5 Complaint was filed.

6 Dated: June 26, 2009

KENT B. GOSS
CHRISTOPHER J. CHAUDOIR
ORRICK HERRINGTON & SUTCLIFFE LLP

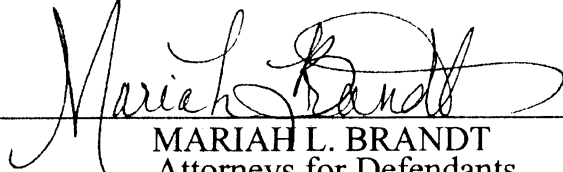


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Attorneys for Plaintiff
THOUGHT CONVERGENCE, INC. and
NAME INTELLIGENCE, INC.

13 Dated: June 26, 2009

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