

1 ANDREW D. SKALE
(Bar No. 211096)
askale@mintz.com
2 BENJAMIN L. WAGNER
(Bar No. 243594)
blwagner@mintz.com
3 MINTZ LEVIN COHN FERRIS
4 GLOVSKY AND POPEO P.C.
3580 Carmel Mountain Road
5 Suite 300
San Diego, CA 92130
6 Tel: (858) 314-1500
7 Fax: (858) 314-1501

8 Attorneys for Plaintiffs and
Counterclaim Defendant
9 LIGHTS OUT HOLDINGS, LLC
and SHAWNE MERRIMAN

STANLEY J. PANIKOWSKI
(Bar No. 224232)
stanley.panikowski@dlapiper.com
DLA PIPER LLP (US)
401 B Street, Suite 1700
San Diego, CA 92101-4297
Tel: 619.699.2700
Fax: 619.699.2701

GINA L. DURHAM (Bar No. 295910)
gina.durham@dlapiper.com
DLA PIPER LLP (US)
555 Mission Street, Suite 2400
San Francisco, CA 94105
Tel: 415.836.2500
Fax: 415.836.2501

FRANK W. RYAN (*pro hac vice*)
frank.ryan@dlapiper.com
DLA PIPER LLP (US)
1251 Avenue of the Americas
New York, NY 10020-1104
Tel: 212.335.4500
Fax: 212.335.4501

Attorneys for Defendant and
Counterclaimant NIKE, INC.

15 UNITED STATES DISTRICT COURT
16 SOUTHERN DISTRICT OF CALIFORNIA

18 LIGHTS OUT HOLDINGS, LLC, a
California limited liability company,
19 SHAWNE MERRIMAN,

20 Plaintiffs,

21 vs.

22 NIKE, INC., an Oregon corporation,

23 Defendant.

Case No. 14-cv-0872 JAH NLS

**JOINT MOTION FOR
VOLUNTARY DISMISSAL OF ALL
CLAIMS**

1 Plaintiffs Lights Out Holdings, LLC and Shawne Merriman (“Plaintiffs”),
2 and Defendant NIKE, Inc. (“Defendant”) (collectively, “the Parties”), by and
3 through their respective attorneys, hereby jointly move to voluntarily dismiss all
4 claims in the above-captioned action as provided below.

5 The Parties have stipulated and jointly move as follows:

- 6 1) Plaintiffs hereby voluntarily dismiss all claims brought in this matter
7 against Defendant WITH PREJUDICE;
- 8 2) Defendant hereby voluntary dismisses all counterclaims brought in this
9 matter against Plaintiffs WITHOUT PREJUDICE; and
- 10 3) Each Party shall bear its own costs and attorneys’ fees.

11 Thus, the Parties respectfully request, in accordance with Federal Rule of
12 Civil Procedure 41(a)(1)(A)(ii), that the Court enter an order as follows:

- 13 1) Plaintiffs’ claims made in their First Amended Complaint
14 (Docket No. 26) against Defendant are dismissed WITH PREJUDICE;
- 15 2) Defendant’s counterclaims made in its Answer and Counterclaims to
16 the First Amended Complaint (Docket No. 27) against Plaintiffs are
17 dismissed WITHOUT PREJUDICE; and
- 18 3) Each Party shall bear its own costs and attorneys’ fees.

19 Pursuant to Local Civil Rule 7.2, the Parties will separately submit a
20 Proposed Order granting the relief requested.

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1 Dated: February 11, 2016

By s/ Andrew D. Skale

ANDREW D. SKALE
askale@mintz.com
BENJAMIN L. WAGNER
blwagner@mintz.com
Mintz Levin Cohn Ferris Glovsky and
Popeo P.C.
3580 Carmel Mountain Road, Ste. 300
San Diego, CA 92130
Telephone: (858) 314-1500
Facsimile: (858) 314-1501

7 **ATTORNEYS FOR PLAINTIFFS**
8 **AND COUNTERCLAIM**
9 **DEFENDANT LIGHTS OUT**
10 **HOLDINGS, LLC and SHAWNE**
11 **MERRIMAN**

12 Dated: February 11, 2016

By s/ Stanley J. Panikowski

STANLEY J. PANIKOWSKI
stanley.panikowski@dlapiper.com
DLA Piper LLP (US)
401 B Street, Suite 1700
San Diego, CA 92101
Telephone: (619) 699-2700
Facsimile: (619) 699-2701

17 **ATTORNEYS FOR**
18 **DEFENDANT AND**
19 **COUNTERCLAIMANT**
20 **NIKE, INC.**

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CERTIFICATE OF SERVICE

I hereby certify that, on February 11, 2016, I electronically filed this Joint Motion for Voluntary Dismissal of All Claims with the Clerk of the District Court using the CM/ECF system, which sent notification of such filing to all counsel of record, who are deemed to have consented to electronic service per Civil Local Rule 5.4.

s/ Andrew D. Skale
Andrew D. Skale