

Glitzenstein & Crystal (“MGC”), Katherine A. Meyer, Eric R. Glitzenstein, Howard M. Crystal, the Humane Society of the United States (“HSUS”), Jonathan R. Lovvorn, and Kimberly D. Ockene. DE 25 (2-16-10).

3. FEI and ASPCA have entered into a Settlement Agreement and Release dated December 14, 2012 with respect to all claims asserted in this action against the ASPCA defendant only, which reflects a settlement that FEI and ASPCA both believe is in their respective best interests.

4. The action remains pending and will not be dismissed as to any other defendant.

5. This Stipulation is made in accordance with the terms of the Settlement Agreement and Release executed by FEI and ASPCA which will be incorporated by reference into the Order sought herein.

6. As part of the Settlement Agreement and Release, FEI and ASPCA expressly agreed to request that the Court retain jurisdiction to enforce the terms of the Settlement Agreement and Release. *See Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375, 381 (1994).

7. FEI and ASPCA each are to bear their own costs associated with this Stipulation.

WHEREFORE, FEI and ASPCA respectfully request that the Court enter an Order as follows:

- (1) FEI's claims against ASPCA, and only ASPCA, are dismissed with prejudice; and
- (2) Jurisdiction over the Settlement Agreement and Release, which is incorporated by reference, is retained by the United States District Court for the District of Columbia.

Dated: December 28, 2012



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American Society for the Prevention
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SO ORDERED.

Emmet G. Sullivan
United States District Judge

Dated: _____