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6  
7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
9

10 Samuel A. Harding,  
11 Plaintiff/Counterdefendant,  
12  
13 v.  
14 Joan L. Green,  
15 Defendant/Counterclaimant.

Case No. 2:08-cv-01799-RCJ-LRL

16 **STIPULATION AND ORDER FOR DISMISSAL, WITH PREJUDICE,**  
17 **OF ALL CLAIMS AND COUNTERCLAIMS, AND FOR**  
18 **PERMANENT INJUNCTION**

18 Plaintiff/Counterdefendant Samuel A. Harding (hereinafter "Harding"), through his counsel,  
19 Marc S. Cwik, Esq. of Lewis Brisbois Bisgaard & Smith LLP and Michael R. Small, Esq.; and  
20 Defendant/Counterclaimant Joan L. Green (hereinafter "Green"), in Proper Person; hereby enter into  
21 the following Stipulation and Order to Dismiss All Claims and Counterclaims, and for permanent  
22 injunction:

23 **RECITALS**

24 WHEREAS, Harding filed a Complaint for Damages and Injunctive Relief (Doc. No. 1) in  
25 the above-captioned matter on December 22, 2008 against Green, asserting claims for (1)  
26 Cybersquatting - 15 U.S.C. Section 1125; and (2) Common Law Defamation;

27 WHEREAS, Green filed a Counterclaim and Complaint for Damages (Doc. No. 34) on April  
28 27, 2009;

4815-7784-9860.1

1 WHEREAS, Harding filed a Motion to Dismiss and to Strike from the Court Record Green's  
2 Counterclaim and Complaint for Damages and Green's Counter-Counter Claim (Doc. No. 39);

3 WHEREAS, since filing her Counterclaim and Complaint for Damages (Doc. No. 34) on  
4 April 27, 2009, Green has filed several other documents which she entitled a "counterclaim" or  
5 which utilized similar terminology, which include the following:

6 (1) "Counterclaim-Counter Claim to Counter-Defendants Counter Claim to Original  
7 Counter-Claim (Doc. No. 37), filed on May 11, 2009;

8 (2) "Counterclaim for Civil Liability for False or Fraudulent Registration Under USC Title 15  
9 USC 1120 (Lanham Act)" (Doc. No. 53) on June 25, 2009;

10 (3) "Counterclaim to Plaintiff's Second Claim for Relief Defamation, and Counterclaim of  
11 Professional Malpractice Under the Nevada Made-Whole Doctrine, Counterclaim to  
12 Defendants Assertion that the Holds a Famous Mark" (Doc. No. 66) on July 7, 2009; and

13 (4) "Counter to Sam Harding's Counterclaims, Sam Harding Has Failed to Produce Evidence  
14 That He Has a Claim Under 15 USC 1125, Sam Harding Should Be Subject to Sanctions  
15 Rule 11" (Doc. No. 79) on August 4, 2009.

16 WHEREAS, Green has also filed multiple other motions and papers intended to respond to  
17 Harding's Complaint for Damages and Injunctive Relief with various titles, including, but not  
18 necessarily limited to, Doc. Nos. 42, 44, 45, 48, 49, 52, 57, 58, 61, 69, 71, 74, 81, 82, and 88;

19 WHEREAS, in response to Green's various filings, Harding filed a (Counter) Motion to  
20 Deem Green a Vexatious Litigant and for Entry of a Pre-Filing Order (Doc. No. 50) and a  
21 Supplement to said Motion (Doc. No. 90);

22 WHEREAS, in response to Green's various filings, Harding also filed a Special Motion to  
23 Dismiss (Doc. No. 54), pursuant to Nevada's anti-SLAPP laws set forth at NRS 41.635 to NRS  
24 41.670, and two Supplements thereto (Doc. Nos. 63 and 66);

25 WHEREAS, Green has sent multiple letters to Harding's counsel and their affiliates in this  
26 action and various governmental entities concerning the foregoing litigation and threatening litigation  
27 against Harding's counsel and their affiliates;

28 WHEREAS, the parties appeared before the Honorable Lawrence R. Leavitt, United States  
Magistrate Judge, on August 26, 2009, for oral argument on Harding's (Counter) Motion to Deem  
Green a Vexatious Litigant and for Entry of a Pre-Filing Order (Doc. No. 50);

///

1 WHEREAS, at the hearing on August 26, 2009, Green informed the Court that she is willing  
2 and does not care if the court dismisses all of her counterclaims against Harding (*See Minutes of*  
3 *Proceedings, Doc. No. 91; see, also, Amended Order at 3:10-11, Doc. No. 93*);

4 WHEREAS, the parties stated on the record at the hearing on August 26, 2009 that they are  
5 desirous to bring peace with one another concerning Green's counterclaims against Harding and  
6 Green's various motions and other papers filed against Harding;

7 WHEREAS, Magistrate Lawrence R. Leavitt indicated that the parties could submit a  
8 Stipulation and Order to the Court for the purpose of dismissing Green's counterclaims against  
9 Harding (*See Minutes of Proceedings, Doc. No. 91*);

10 WHEREAS, subsequent to the hearing on August 26, 2009, Magistrate Lawrence R. Leavitt  
11 entered an Order striking the following documents filed by Green: Doc. Nos. 24, 36, 42, 45, 49, 58,  
12 69, 81, 82, 86, 87 and 88 (*See Amended Order at p. 4, Doc. No. 93*);

13 WHEREAS, subsequent to the hearing on August 26, 2009, the Honorable Robert C. Jones  
14 entered an Order (Doc. No. 94) on September 21, 2009 granting various Motions to Dismiss filed by  
15 Harding, including, but not limited to, Harding's Motion to Dismiss and to Strike from the Court  
16 Record Green's Counterclaim and Complaint for Damages and Green's Counter-Counter Claim  
17 (Doc. No. 39), and Harding's Special Motion to Dismiss (Doc. No. 54);

18 WHEREAS, Harding's counsel and Green have discussed the status of this matter and  
19 Harding and Green have determined that they would like to have this Court enter an order both  
20 dismissing any and all claims and counterclaims between them, with prejudice, and entering a  
21 permanent injunction against Green as herein stipulated below, thereby effecting dismissal of this  
22 litigation in its entirety and resolving the dispute between the parties; and

23 WHEREAS, Harding's counsel and Green wish to bring peace between each other with  
24 regard to Green's threats to file suit against Harding's counsel and their affiliates related to their  
25 representation of Harding in the present action;

26 the parties hereby enter into the following Stipulations:

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28 ///

1 STIPULATIONS

2 IT IS HEREBY STIPULATED, by and between Harding and Green, that any and all  
3 counterclaims, defenses, and motions (however designated), previously asserted by Green against  
4 Harding, or which may arise out of the circumstances giving rise to the present litigation, including  
5 claims asserted by Green against Harding's counsel and their affiliates, shall forever be dismissed,  
6 with prejudice, with each party to bear their own attorney's fees and costs, and to fully effect such  
7 stipulation, Green further waives any right of appeal of Judge Jones Order (Doc. No. 94) filed on  
8 September 21, 2009;

9 IT IS HEREBY FURTHER STIPULATED, by and between Harding and Green, that a  
10 Permanent Injunction may be entered against Green in this matter which prohibits Green, and/or all  
11 persons acting in consort or participation with Green, from: (1) using Harding's name or confusingly  
12 similar variations thereof, alone or in combination with any other letter, word, letter string, phrase or  
13 design, for any purpose (including, but not limited to, on web sites and in domain names); and (2)  
14 registering, owning, leasing, selling, or trafficking in any domain name containing Harding's name or  
15 service mark, or confusingly similar variations thereof, alone or in combination with any other letters,  
16 words, phrases or designs;

17 IT IS HEREBY FURTHER STIPULATED, by and between Harding and Green, that  
18 Harding dismisses, with prejudice, his claims against Green pursuant to 15 U.S.C. §1125 under the  
19 Anti-Cybersquatting Protection Act (ACPA) and Common Law Defamation, in exchange for (1)  
20 Green's above Stipulation to forever dismiss with prejudice any and all counterclaims, defenses, and  
21 motions (however designated), including claims asserted by Green against Harding's counsel and  
22 their affiliates, and to waive any right to appeal Judge Jones Order (Doc. No. 94) filed on September  
23 21, 2009; and (2) Green's above Stipulation of the entrance of a Permanent Injunction as so stated;

24 and

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26 ///

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1 IT IS HEREBY FURTHER STIPULATED that this Court shall retain jurisdiction to enforce  
2 the Permanent Injunction entered by this Court, and the stipulations between Harding and Green.

3 DATED this \_\_\_\_ day of October, 2009

DATED this \_\_\_\_ day of October, 2009

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6 Joan L. Green  
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8 #224  
9 Albuquerque, NM 87107  
10 (505) 715-1570  
11 FAX: (505) 212-0488  
12 *Plaintiff, In Proper Person*

12 DATED this 9<sup>th</sup> day of October, 2009

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21 *Attorney for Plaintiff Samuel A. Harding*

22 **ORDER**

23 Upon review of the above Stipulations, and good cause appearing:


24 **IT IS SO ORDERED.**

25   
26 UNITED STATES DISTRICT JUDGE

27 DATED: October 14, 2009

1 SUBMITTED BY:

2 LEWIS BRISBOIS BISGAARD & SMITH LLP

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