

USDC SCAN INDEX SHEET



CAG 10/9/03 14:33

3:01-CV-01752 BOSLEY MEDICAL V. KREMER

60

0.

1 FOLEY & LARDNER
2 G. Peter Albert, Jr. (SBN 211248)
3 11250 El Camino Real, Suite 200
4 San Diego, California 92138-0278
5 Telephone: (858) 847-6700
6 Facsimile: (858) 792-6773

7 Attorneys for Plaintiff
8 Bosley Medical Institute, Inc

FILED

03 OCT -9 PM 1:05

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY: *[Signature]* DEPUTY

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 BOSLEY MEDICAL INSTITUTE, INC., a)
12 Delaware corporation)

Case No.: 01-CV-1752 JNK (JMA)

13 Plaintiffs,)

**MOTION AND ORDER FOR DISMISSAL OF
COUNT VII FOR LIBEL**

14 v.)

15 MICHAEL STEVEN KREMER, an individual)

16 Defendant.)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)
27)
28)

STIPULATION

Pursuant to the parties' settlement of the libel-based claims in this action, Plaintiff, through its counsel of record, hereby request that Count VII for Libel of the Complaint filed on June 12, 2001 in the U.S. District Court for the Northern District of Illinois and transferred to this court on August 30, 2001, be dismissed with prejudice subject to the settlement agreement between the parties executed on October 2, 2003 .

ORIGINAL

60

1 Dated: October 6, 2003

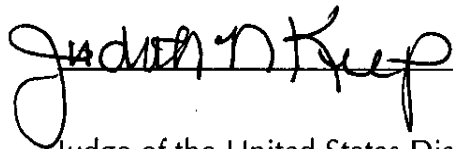
FOLEY & LARDNER

2
3
4 
5 C. Peter Albert, Jr.
6 Attorneys for the Plaintiff,
7 BOSLEY MEDICAL INSTITUTE, INC.

8 **ORDER:**

9 **IT IS ORDERED** that Count VII of the Complaint filed on June 12, 2001 in the U.S.
10 District Court for the Northern District of Illinois and transferred to this court on August 30,
11 2001, in the above captioned-action is dismissed with prejudice subject to the settlement
12 agreement executed by the parties on October 2, 2003 .

13 Dated: 10/08/03

14 
15 Judge of the United States District Court

1 **PROOF OF SERVICE**

2 I am employed in the **County of , State of California**. I am over the age of 18 and not a party to
3 this action; my current business address is **11250 El Camino Real, Suite 200, San Diego, CA**
4 **92130**.

5 **On October 7, 2003, I served the foregoing document(s) described as: MOTION AND**
6 **ORDER FOR DISMISSAL OF COUNT VII FOR LIBEL on the interested parties in this**
7 **action as follows:**

8 **BY FACSIMILE**

9 I transmitted the document(s) by facsimile transmission from a facsimile
10 transmission machine, at **San Diego, California**, with the telephone number,
11 **858.792.6773** to **Paul Alan Levy** whose facsimile transmission telephone
12 number is **(202) 588-7795**.

13 I am readily familiar with the firm's practice for delivery by facsimile
14 transmission: the firm transmits the document(s) from a facsimile transmission
15 machine to the person to be served. I placed the document(s) in the place
16 designated by the firm, at **San Diego, California**, for facsimile transmission to
17 **Name(s)** whose facsimile transmission telephone number is **Fax Number** , on
18 the above date following ordinary business practices. The document(s) was
19 transmitted from a facsimile transmission machine with the telephone number
20 of **858.792.6773**.

21 The facsimile transmission was reported as complete without error by a transmission
22 report, issued by the facsimile transmission machine upon which the transmission was
23 made, immediately following the transmission. A true and correct copy of the
24 transmission report is attached hereto and incorporated herein by this reference.

25 X **BY THE FOLLOWING MEANS:**

26 X I placed a true copy thereof enclosed in sealed envelope(s) addressed as follows:

27 **Paul Alan Levy**
28 **Public Citizen Litigation Group**
1600 - 20 th Street, N.W.
Washington, D.C. 20009-1001

Charles A. Bird, Esq.
Luce, Forward, Hamilton & Scripps LLP
600 W. Broadway, Suite 2600
San Diego, CA 92101-3391

Tucows, Inc.
96 Mowat Avenue
Toronto, Ontario M6K3M1
Canada

29 X **BY MAIL**

30 I placed the envelope(s) with postage thereon fully prepaid in the United States
31 mail, at **San Diego, California**.

32 X I am readily familiar with the firm's practice of collection and processing
33 correspondence for mailing with the United States Postal Service; the firm
34 deposits the collected correspondence with the United States Postal Service that
35 same day, in the ordinary course of business, with postage thereon fully prepaid,
36 at **San Diego, California**. I placed the envelope(s) for collection and mailing on
37 the above date following ordinary business practices.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BY HAND DELIVERY. I delivered the envelope(s) by hand to addressee(s).

BY EXPRESS MAIL (Via United States Postal Service)

I deposited the envelope(s) in a facility regularly maintained by the United States Postal Service for receipt of Express Mail, with Express postage fully prepaid.

I am readily familiar with the firm's practice for collection and processing of correspondence for Express Mail; the firm deposits the collected correspondence with a facility regularly maintained by the United States Postal Service for receipt of Express Mail that same day, in the ordinary course of business, with Express Mail postage thereon fully prepaid, at **San Diego, California**. I placed the envelope(s) for collection and Express Mailing on the above date following ordinary business practices.

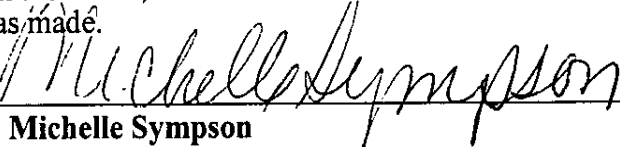
BY EXPRESS SERVICE CARRIER (Via Overnight Courier Service)

I placed the envelope(s) in a box or other facility regularly maintained by Click and Type Name of Courier, or delivered the document(s) to a courier or driver authorized by the express service carrier to receive document(s), in an envelope(s) or package designated by the express service carrier, with delivery fees paid or provided for, at **San Diego, California**.

I am readily familiar with the firm's practice for collection and processing of correspondence for delivery by Federal Express: collected packages are picked up by an express carrier representative on the same day, with the Airbill listing the account number for billing to sender, at **San Diego, California**, in the ordinary course of business. I placed the envelope(s) in an envelope or package designated by the express service carrier for collection and processing for express service delivery on the above date following ordinary business practices.

Executed on **October 7, 2003**, at **San Diego, California**.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.


Michelle Simpson