

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

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

OKSANA GRIGORIEVA, an
individual,)

Plaintiff,)

v.)

SAMMY ORITI, an individual;
and DOES 1 through 10, inclusive,)

Defendants.)

CASE NO. CV 09-03968 MMM (Ex)

[PROPOSED] ORDER

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

[PROPOSED] ORDER

This Court, having reviewed and approved the Stipulation signed by counsel for Plaintiff Oksana Grigorieva (“Grigorieva” or “Plaintiff”) and Sammy Oriti (“Oriti”) (sometimes collectively the “Parties”), and good cause appearing therefore, hereby orders as follows:

(1) Plaintiff’s Third Claim for Relief (Copyright Infringement) and Fourth Claim for Relief (Declaratory Relief Re Claim of Rights) (collectively the “Third and Fourth Claims”) as set forth in the Complaint are dismissed with prejudice, with each side to bear its own costs and fees.

(2) Dismissal of the Third and Fourth Claims shall not constitute a judicial determination of ownership of the copyrights in the four (4) musical compositions entitled: *Doesn’t Matter*, *Heaven*, *Remember Me* and *Walking* (collectively the “Songs”) that are the subject of the Third and Fourth Claims in favor of either Grigorieva or Oriti.

(3) To effect the Parties’ intent in the settlement, the Parties shall amend the copyright applications for the Songs by filing supplemental copyright applications for registration of copyrights with the United States Copyright Office for the Songs adding Defendant as a co-author and co-claimant of each of the Songs.

(4) The Parties shall not commercially use, distribute or exploit any of the Songs, including both the compositions and sound recordings embodied in the masters, absent prior written approval from the other party.

///

1 (5) The remaining claims for relief, including the First Claim (Relief for
2 Breach of Contract); Second Claim for Relief (Conversion); Fifth Claim for Relief
3 (Breach of Fiduciary Duty); Sixth Claim for Relief (Common Law Misappropriation
4 of the Right of Publicity); Seventh Claim for Relief (Violation of Right of Privacy);
5 Eighth Claim for Relief (Constructive Trust); Ninth Claim for Relief (Accounting);
6 and Tenth Claim for Relief (Injunctive Relief) (collectively the “State Law Claims”)
7 are dismissed without prejudice, with each side to bear its own costs and fees.

8 The foregoing dismissals result in the complete dismissal of this action in its entirety on the
9 terms set forth above.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED

DATE: August 18, 2009


HON. MARGARET M. MORROW
U.S. DISTRICT COURT JUDGE