

GAWKER

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Attorneys for Plaintiff HarperCollins Publishers L.L.C.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HARPERCOLLINS PUBLISHERS L.L.C.,	:	
	:	
Plaintiffs,	:	Case No.10 CIV 8782 (PGG)
	:	
- against -	:	
	:	STIPULATION
GAWKER MEDIA LLC,	:	<u>OF DISMISSAL</u>
	:	
Defendant.	:	
-----X	:	

WHEREAS, on November 17, 2010, defendant Gawker Media LLC ("Gawker") published an item entitled "Sarah Palin's New Book: Leaked Excerpts" at the URL <http://gawker.com/5692353/sarah-palins-new-book-leaked-excerpts> (the "Item").

WHEREAS, the Item contained copies of twenty-one full pages from the book *America By Heart* by Sarah Palin (the "Book"), which is published by plaintiff HarperCollins Publishers L.L.C. ("HarperCollins"); and

WHEREAS, on November 19, 2010, HarperCollins filed a Complaint against Gawker in the United States District Court for the Southern District of New York asserting a single cause of action for copyright infringement based on Gawker's unauthorized copying of pages of the Book; and

WHEREAS, on November 20, 2010, Gawker modified the Item such that the Item contained copies of portions of twelve pages from the Book (the "Revised Item"); and

WHEREAS, on November 20, 2010, HarperCollins obtained a temporary restraining order against Gawker preventing Gawker from continuing to distribute, publish or otherwise transmit pages of the Book (the "Order"); and

WHEREAS, the Order further set a hearing and briefing schedule on HarperCollins' motion for a preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining Gawker during the pendency of this action from continuing to distribute, publish or otherwise transmit pages from the Book;

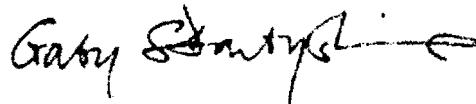
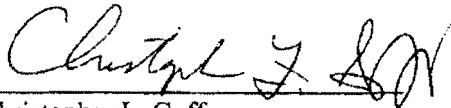
IT IS HEREBY STIPULATED AND AGREED, by and between plaintiff HarperCollins and defendant Gawker that:

1. Gawker hereby agrees not to re-publish, distribute or otherwise transmit in the future the Item, the Revised Item or any of the pages of the Book included in the Item or the Revised Item;
2. Gawker agrees to use its best efforts to ensure that the Item and the Revised Item are not available in any search engine caches;
3. HarperCollins acknowledges that Gawker has a right to comment on the contents of the Book in a manner consistent with the doctrine of fair use, as set forth in 17 U.S.C. § 107;
4. Pursuant to Gawker's agreement, as set forth in Paragraphs 1 and 2 above, it is hereby stipulated that, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, the above-captioned action is hereby dismissed and discontinued with prejudice and without costs or attorney's fees to any party;
5. This Court shall maintain jurisdiction to enforce this Stipulation;

6. A PDF or facsimile copy of the signature page of this stipulation will be deemed to be an original for purposes of filing and judicial endorsement.

Dated: November 23, 2010

Dated: November 23rd, 2010



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Approved as to form:


Dated: November 24, 2010



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NO ORDER


U.S.D.J. Nov. 29, 2010

