

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO**

SMITH OPTICS, INC., an Idaho corporation,)	Case No. 1:12-cv-0120-BLW
Plaintiff,)	
v.)	ORDER GRANTING JOINT
OAKLEY, INC., a Washington corporation; and)	MOTION TO DISMISS
EYE SAFETY SYSTEMS, INC.,)	<u>DEFENDANT EYE SAFETY</u>
a Delaware corporation,)	<u>SYSTEMS, INC. ONLY WITH</u>
Defendants.)	PREJUDICE
AND RELATED COUNTERCLAIMS)	
)	

The Court having considered the parties' Joint Motion to Dismiss Defendant Eye Safety Systems, Inc. Only With Prejudice Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), and for good cause shown, hereby GRANTS the parties' joint motion.

NOW THEREFORE IT IS HEREBY ORDERED that:

- (1) Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, all claims, counterclaims and defenses currently pending between Smith and ESS only are hereby dismissed with prejudice; and,
- (2) Smith and ESS shall bear their own costs and attorneys' fees.
- (3) The Court shall retain jurisdiction over this matter to enforce compliance with the Settlement Agreement.



DATED: November 20, 2012

A handwritten signature in black ink, appearing to read "B. Lynn Winmill".

B. Lynn Winmill
Chief Judge United States District Court

Order Granting Joint Motion to Dismiss as to Eye Safety Systems, Inc.