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17 Attorneys for Plaintiff Mockingbird Foundation

18 **UNITED STATES DISTRICT COURT**  
19 **NORTHERN DISTRICT OF CALIFORNIA**  
20 (San Francisco Division)

21 THE MOCKINGBIRD FOUNDATION,  
22 INC.,

23 Plaintiff,

24 v.

25 QUANG-TUAN LUONG,

26 Defendant.

Case No. 3:19-cv-05671-RS

STIPULATION  
FOR THE AWARD OF  
ATTORNEY FEES, COSTS,  
AND EXPENSES AND  
PROPOSED ORDER

27 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,  
28 subject to the approval of the Court, that Plaintiff The Mockingbird Foundation (“Mockingbird”) be  
awarded attorney fees under the Copyright Act in the amount of TEN THOUSAND DOLLARS  
(\$10,000.00) (the “Total Amount”), subject to the following terms:

1 1. Mockingbird filed this copyright declaratory judgment action against Luong on  
2 September 9, 2019. After Luong granted a narrow license for the disputed material, Mockingbird filed  
3 a First Amended Complaint on November 11, 2019. The Court denied Luong's motion to dismiss on  
4 February 20, 2020. After Luong granted a broader, judicially enforceable, and irrevocable license, the  
5 case was dismissed on Mockingbird's motion on March 10.

6 2. To resolve Mockingbird's claim to attorney fees, costs, and expenses without further  
7 litigation, the parties agree that defendant Quang-Tuan Luong will pay the Total Amount to Public  
8 Citizen Litigation Group, counsel for Mockingbird, on the following schedule:  
9

- 10 a. \$3500 no later than May 20, 2020,  
11 b. \$3500 no later than August 15, 2020,  
12 c. \$3000 no later than November 1, 2020.

13 3. The Total Amount represents compensation for all legal services rendered and all costs  
14 and expenses incurred on behalf of Mockingbird, to date, by counsel in connection with this civil  
15 action.  
16

17 4. This Stipulation constitutes a compromise of Mockingbird's claim for attorney fees,  
18 costs, and expenses, and does not constitute an admission of liability under the Copyright Act on the  
19 part of Luong or his counsel that he owed or does owe attorney's fees or other monies to Mockingbird  
20 or to its counsel.

21 5. Luong's payment of the Total Amount shall constitute a complete release from, and  
22 bar to, any and all claims that Mockingbird, Mockingbird's agents and officers, Mockingbird's  
23 volunteers, and/or Mockingbird's affiliated organizations may have relating to attorney fees and  
24 expenses in connection with this action.  
25  
26  
27  
28

6. The parties agree that the Court shall retain jurisdiction to enforce this settlement..

Dated: May 14, 2020

By: /s/ Paul Alan Levy

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Attorney for Defendant

IT IS SO ORDERED

Dated: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE RICHARD SEEBORG  
United States District Judge