

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ORTHOPHOENIX, LLC,

Plaintiff,

v.

SOTEIRA, INC., *et al.*,

Defendant.

C.A. No. 13-1006-LPS

**STIPULATION AND PROPOSED ORDER FOR DISMISSAL WITH PREJUDICE
AS TO DEFENDANTS SOTEIRA INC. AND GLOBUS MEDICAL, INC.**

Plaintiff Orthophoenix, LLC and Defendants Soteira Inc. and Globus Medical, Inc., pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and (c), hereby move for an order dismissing all claims and counterclaims in this action WITH PREJUDICE, with each party to bear its own costs, expenses and attorneys' fees.

BAYARD, P.A.

O'KELLY, ERNST, & BIELLI, LLC

/s/ Stephen B. Brauerman

/s/ George Pazuniak

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December 19, 2013

IT IS SO ORDERED this ____ day of _____, 2013.

United States District Judge