

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DIANE VON FURSTENBERG STUDIO, LP., :

Plaintiff, :

- against - :

FOREVER 21, INC., :

Defendants. :

-----X

07 Civ. 2413 (VM)

**CONDITIONAL**  
**ORDER OF DISCONTINUANCE**

**VICTOR MARRERO, United States District Judge.**

Counsel for plaintiff, on behalf of the parties, having notified the Court, by letter dated September 6, 2007, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

**ORDERED,** that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within thirty days of the

plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court schedule in this action are cancelled.

The Clerk of Court is directed to close this case.

**SO ORDERED.**

Dated: NEW YORK, NEW YORK  
7 September 2007

A handwritten signature in black ink, appearing to read 'Victor Marrero', written over a horizontal line.

Victor Marrero  
U.S.D.J.

# Greenberg Traurig

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September 6, 2007

VIA FACSIMILE - (212) 805-6382

The Honorable Victor Marrero  
United States District Judge, Southern District of New York  
United States Courthouse  
500 Pearl Street, Courtroom 20B  
New York, New York 10007

Re: Diane von Furstenberg Studio, LP v. Forever 21, Inc. et al., 07 Civ. 2413 (VM)

Dear Judge Marrero:

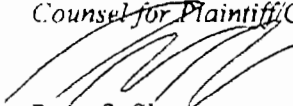
Plaintiff/Counterclaim-Defendant Diane von Furstenberg Studio, LP and Defendants/Counterclaim-Plaintiffs Forever 21, Inc., Forever 21 Retail, Inc., Forever 21 Logistics, LLC, Forever 21 Capital Holdings, LLC, Forever 21 Investments, LLC and Forever 21 International Holdings, Inc. (collectively the "Parties") in the above-referenced matter jointly submit this letter to inform the Court that the Parties have reached a settlement. The Parties are in the process of memorializing a written settlement agreement. Accordingly, the Parties respectfully request that the Scheduling Conference on September 12, 2007 be taken off the Court's calendar. The Parties anticipate sending the Court a notice of dismissal within the next thirty (30) days.

Respectfully submitted,



Scott Gelin

*Counsel for Plaintiff/Counterclaim-Defendant Diane von Furstenberg Studio, LP*



Peter S. Sloane

*Counsel for Defendants/Counterclaim-Plaintiffs  
Forever 21, Inc.; Forever 21 Retail, Inc.; Forever 21  
Logistics, LLC; Forever 21 Capital Holdings, LLC,  
Forever 21 Investments, LLC; and Forever 21  
International Holdings, Inc.*

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