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FILED
CLERK, U.S. DISTRICT COURT
SEP 22 2006
CENTRAL DISTRICT OF CALIFORNIA
BY W DEPUTY

Attorneys for Defendant.
JOHN HOCHMAN, M.D.

THIS CONSTITUTES NOTICE OF ENTRY
AS REQUIRED BY FRCP RULE 77(d)
UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA-WESTERN DIVISION

ENTERED
CLERK, U.S. DISTRICT COURT
SEP 22 2006
CENTRAL DISTRICT OF CALIFORNIA
BY DEPUTY

LOGGED

2006 SEP 20 PM 1:52
CLERK U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES

12 BY
13 NXIVM CORPORATION, f/k/a
EXECUTIVE SUCCESS PROGRAMS,
14 INC., and FIRST PRINCIPLES, INC.
15 Plaintiffs,
16 vs.
17 JOHN HOCHMAN, M.D.,
18 Defendant.

CASE NO. CV-06-4176 R (ZX)
Hon. Manuel L. Real
Courtroom "8"
~~PROPOSED~~ ORDER GRANTING
DEFENDANT'S MOTION TO
DISMISS PLAINTIFFS'
COMPLAINT AND ACTION WITH
PREJUDICE
Date: September 18, 2006
Time: 10:00 A.M.
Place: Courtroom "8"

19
20 On September 18, 2006, defendant's Motion to Dismiss plaintiffs' Complaint and
21 action, pursuant to F.R. Civ. P. 12(b)(6), was heard before the Honorable Manuel L. Real
22 in Courtroom "8" of the United States District Court for the Central District of California.
23 Plaintiffs were represented by Scott Eggers and Tanya Forsheit of Proskauer Rose LLP.
24 Defendant was represented by Peter Osinoff of Bonne, Bridges, Mueller, O'Keefe &
25 Nichols. Having thoroughly reviewed all the papers submitted by the parties, and the
26 parties having presented no further argument at the hearing,

27 IT IS HEREBY ORDERED that defendant's Motion to Dismiss is GRANTED

28 ///

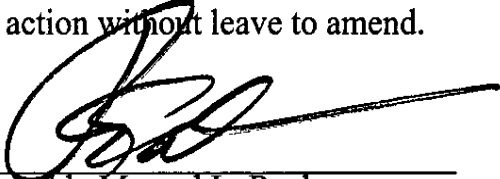
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SEP 22 2006
BY

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1 with prejudice, dismissing the Complaint and action without leave to amend.

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DATED: September 22, 2006.



Honorable Manuel L. Real
United States District Judge

RECORDED

Presented By:



Peter R. Osinoff
Attorney for Defendant
John Hochman, M.D.

PROOF OF SERVICE

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STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 3699 Wilshire Boulevard, Tenth Floor, Los Angeles, California 90010-2719.

On September 20, 2006, I served the foregoing document described as:

PROPOSED ORDER GRANTING DEFENDANT'S MOTION TO DISMISS PLAINTIFFS' COMPLAINT AND ACTION WITH PREJUDICE

on interested parties in this action by placing a true and correct copy thereof enclosed in a sealed envelope addressed as follows:

SEE ATTACHED MAILING LIST

(BY MAIL)

I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.
 As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit. Executed on September 20, 2006, at Los Angeles, California.

(BY FACSIMILE)

I served by facsimile a true copy of the above-described document. I am "readily familiar" with this firm's practice of processing correspondence by fax. Under that practice documents are placed in our fax machine and are processed and received simultaneously at their destination. The above-referenced document(s) was placed in the fax machine with all costs of faxing prepaid, directed to each party (using their fax number), listed on the attached Service List. Once the document has been transmitted, the fax machine provides a report indicating time of completion. Executed on **, at Los Angeles, California.

(BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of the addressee.

Executed on **, at Los Angeles, California.

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.


G. BANNISTER

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SERVICE LIST

Nxivm Corporation, et al. v. John Hochman, M.D.
USDC No. CV-06-4176 R (Rzx)

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09/22/06