

JUL 21 2008

BARBARA BAUER and BARBARA BAUER  
LITERARY AGENCY, INC.,

Plaintiffs,

v.

JENNA GLATZER, et al.,

Defendants.

JAMIE S. PERRELLI, P.J. CV  
SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: MONMOUTH COUNTY  
DOCKET NO.: L-1169-07

CIVIL ACTION

**ORDER DISMISSING SECOND  
AMENDED COMPLAINT AGAINST  
DEFENDANT WIKIMEDIA  
FOUNDATION, INC.**

WHEREAS, this matter was opened to the Court by Sheppard Mullin Richter & Hampton LLP, counsel for defendant Wikimedia Foundation, Inc. ("Wikimedia"), for an order dismissing the Second Amended Complaint as against that defendant; on notice to Daniel L. Martin, Esq., attorney for Plaintiffs Barbara Bauer and Barbara Bauer Literary Agency ("Plaintiffs");

WHEREAS, Wikimedia's Motion to Dismiss was opposed by Plaintiffs;

WHEREAS, the Court considered the papers submitted by the parties and heard oral argument on July 1, 2008, with appearances by Charles A. LeGrand, Esq. and James M. Chadwick, Esq. for Wikimedia, and by Daniel L. Martin, Esq. for Plaintiffs;

WHEREAS, pursuant to N.J.R. 1:6-2(f), the Court made oral findings of fact and conclusions of law on July 1, 2008; and

WHEREAS, the Court's findings of fact and conclusions of law are incorporated by reference herein, including but not limited to the finding that, pursuant to Section 230 of the Communications Decency Act (47 U.S.C. § 230), defendant Wikimedia is a provider and user of an "interactive computer service" and is therefore immune from all claims asserted against it in the Second Amended Complaint which rely upon alleged publication of information provided by

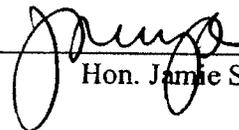
another "information content provider," as those terms are defined by 47 U.S.C. § 230(f); and

Good cause appearing therefor;

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The motion of defendant Wikimedia to Dismiss Plaintiffs' Second Amended Complaint, is hereby **GRANTED**.
2. To the extent that the Plaintiffs' claims in the Second Amended Complaint alleged liability premised upon publication of information provided by another information content provider, this dismissal is with prejudice and without leave to amend.
3. To the extent that Plaintiffs' claims in the Second Amended Complaint alleged liability premised upon "statements made" by Wikimedia (Thirty First Count, Paragraph 5), this dismissal is without prejudice and with leave to amend.

SIGNED this 21<sup>st</sup> day of July, 2008.



Hon. Jamie S. Perri, J.S.C.