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11 UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 PLANET AID, INC., and LISBETH  
15 THOMSEN,

16 Plaintiffs,

17 v.

18 REVEAL, CENTER FOR INVESTIGATIVE  
19 REPORTING, MATT SMITH, and AMY  
20 WALTERS,

21 Defendants.

Civil Case No.: 3:17-cv-03695-MMC-JSC

**ADMINISTRATIVE MOTION TO  
WITHDRAW PENDING BUT DEFERRED  
MOTION FOR ATTORNEYS' FEES AND  
COSTS**

(N.D. Cal. Civil L.R. 7-11)

Judge: Hon. Maxine M. Chesney

**MOTION TO WITHDRAW MOTION**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Pursuant to Civil Local Rule 7-11, Defendants Reveal, Center for Investigative Reporting, Matt Smith, and Amy Walters (“Defendants”) hereby move this Court to withdraw their Motion for Attorneys’ Fees and Costs Pursuant to California Code of Civil Procedure Section 425.16(c) (“Motion”). ECF 316.

Following the Court’s Order Granting Defendants’ Motion to Strike; Dismissing Action with Prejudice (ECF 309), the Motion was filed on May 6, 2021. ECF 316. On August 27, 2021, this Court deferred ruling on the Motion, pending a decision on Plaintiffs’ then-pending appeal of this Court’s order and dismissal. *See* ECF 336, Order Deferring Ruling on Defendants’ Motion for Attorneys’ Fees and Costs. On August 11, 2022, the United States Court of Appeals for the Ninth Circuit affirmed the judgment of this Court. *See Planet Aid, Inc. v. Reveal*, 44 F.4th 918 (9th Cir. 2022).

The parties have now resolved all remaining issues, including by Plaintiffs’ agreement to pay Defendants \$1,925,000, in satisfaction of Defendants’ entitlement to attorney’s fees and costs pursuant to California Civil Code Section 425.16.

Accordingly, Defendants now seek to withdraw their Motion as moot and ask the Court to close the case. Plaintiffs have agreed to the relief sought by this motion.

DATED: October 18, 2022

Respectfully submitted,

COVINGTON & BURLING LLP  
SIMON J. FRANKEL  
ALEXA HANSEN

By: /s/ Simon J. Frankel  
Simon J. Frankel

DAVIS WRIGHT TREMAINE LLP  
THOMAS R. BURKE  
AMBIKA K. DORAN

Attorneys for Defendants  
REVEAL FROM THE CENTER FOR  
INVESTIGATIVE REPORTING;  
MATT SMITH; and AMY WALTERS

**DECLARATION OF SIMON J. FRANKEL**

I, Simon J. Frankel, hereby declare as follows:

1. I am a partner at the law firm of Covington & Burling LLP (“Covington”), counsel of record in this action for Defendants The Center for Investigative Reporting (d/b/a “Reveal”), Matt Smith, and Amy Walters (collectively, “Defendants”). I am licensed to practice law in the State of California and admitted to practice before this Court. I have personal knowledge of the matters herein and if called as a witness, I could and would testify competently thereto. I submit this declaration in support of Defendants’ Administrative Motion to Withdraw Pending But Deferred Motion for Attorneys’ Fees and Costs.

2. On October 18, 2022, Defendants filed their Motion for Attorneys’ Fees and Costs Pursuant to California Code of Civil Procedure Section 425.16(c). ECF No. 316. On August 27, 2021, this Court deferred ruling on the motion, pending a decision on Plaintiffs’ then-pending appeal of this Court’s order and judgment. ECF 336. On August 11, 2022, the United States Court of Appeals for the Ninth Circuit affirmed the judgment of this Court. *See Planet Aid, Inc. v. Reveal*, 44 F.4th 918 (9th Cir. 2022).

3. Pursuant to an executed settlement agreement (which resolved all remaining issues and mutually released all claims, with the payment by Plaintiffs to Defendants of \$1,925,000, in satisfaction of Defendants’ entitlement to attorney’s fees and costs), the parties agreed that Defendants would withdraw their Motion for Attorneys’ Fees and Costs and ask the Court to close the case. Accordingly, Defendants now seek to withdraw their Motion as moot and ask the Court to close the case. Plaintiffs have agreed to the relief sought by this motion.

I declare under penalty of perjury under the laws of the United States and of California that the foregoing is true and correct. Executed this 18th day of October, 2022, in San Francisco, California.

By: /s/ Simon J. Frankel  
Simon J. Frankel