

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ACTIVISION TV, INC.,

Plaintiff,

and

MPHJ TECHNOLOGY
INVESTMENTS, LLC,

Plaintiff-Intervenor,

v.

PINNACLE BANCORP, INC.,

and

JON BRUNING, Attorney General of
Nebraska (in his official capacity);
DAVID D. COOKSON, Chief Deputy
Attorney General of Nebraska (in his
official capacity); DAVID A. LOPEZ,
Assistant Attorney General of
Nebraska (in his official capacity),

Defendants.

Case No. 8:13CV00215

RESPONSE TO PLAINTIFF-
INTERVENOR MPHJ'S MOTION FOR
PRELIMINARY INJUNCTION TO
ENJOIN ENFORCEMENT OF
DEFENDANTS' JULY 18 CEASE AND
DESIST ORDER

Plaintiff-Intervenor MPHJ Technology Investments, LLC ("MPHJ") has moved the Court for a preliminary injunction enjoining State Defendants enforcing the July 18, 2013 Cease and Desist Order (the "Order") against MPHJ or any of its "exclusive licensees." *See* Filing 53.

While the Order was not directed at MPHJ, State Defendants have formally withdrawn the Order in its entirety, effective immediately and have notified as much to the Court by separate filing today. Accordingly, State Defendants suggest to the Court that MPHJ's motion for preliminary injunction at Filing 53 has been rendered moot.

Submitted November 21, 2013.

**JON BRUNING, DAVID D. COOKSON,
DAVID A. LOPEZ, Defendants.**

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Attorneys for Defendants Jon Bruning,
David D. Cookson, and David A. Lopez.

CERTIFICATE OF SERVICE

I hereby certify that on November 21, 2013, I electronically filed the foregoing document with the Clerk of the United States District Court for the District of Nebraska, using the CM/ECF system, causing notice of such filing to be served upon all parties' counsel of record.

By: s/ Ryan S. Post
Assistant Attorney General