

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

BLOCK FINANCIAL LLC, (formerly known as))	
“BLOCK FINANCIAL CORPORATION”)))	
)	
Plaintiff,))	
)	
v.))	Case No.: 01-1007-cv-ODS
)	
LENDINGTREE, LLC,))	(combined with Case No.: 08-cv-164-
)	ODS)
Defendant.))	
)	
<hr/>		
LENDINGTREE, LLC,))	
)	
Plaintiff,))	
)	
v.))	
)	
BLOCK FINANCIAL LLC, (formerly known as))	
“BLOCK FINANCIAL CORPORATION”) and))	
DOES 1 through 10, inclusive,))	
)	
Defendants.))	
)	

JOINT MOTION TO VACATE THE COURT’S SEPTEMBER 10, 2009 ORDER

Plaintiff Block Financial LLC and Defendant LendingTree, LLC (collectively “the parties”) jointly move the court to vacate its September 10, 2009 Order and Opinion Granting LendingTree LLC’s Motion for Partial Summary Judgment (Docket No. 188) (“partial summary judgment order”). The parties have negotiated a settlement that is expressly contingent upon the court vacating its partial summary judgment order. Within five business days of the court vacating its partial summary judgment order, the parties will file a joint motion to dismiss the case with prejudice.

The court vacating its order would serve the public interest since it facilitates a resolution of the litigation between the parties and the dispute regarding this particular issue. *See U.S. Bancorp Mortgage Co. v. Bonner Mall Partnership*, 513 U.S. 18, 26 (1994) (holding that vacatur is appropriate when it would serve the public interest). The parties respectfully submit that the vacatur of the court's partial summary judgment order is in the public interest and ask that the court vacate its order in order to allow the parties to settle the current case.

February 18, 2010

Respectfully submitted,

/s/ Edward H. Rippey

/s/ Kenneth W. Brothers

Robert D. Fram (Admitted Pro Hac Vice)
Winslow B. Taub (Admitted Pro Hac Vice)
Deanna L. Kwong (Admitted Pro Hac Vice)
COVINGTON & BURLING
One Front Street
San Francisco, California 94111
Tel.: (415) 591-6000
Fax: (415) 591-6091
rfram@cov.com
wtaub@cov.com
dkwong@cov.com

Gary M. Hoffman (Admitted Pro Hac Vice)
Kenneth W. Brothers (Admitted Pro Hac Vice)
Kimberly R. Parke (Admitted Pro Hac Vice)
Thomas D. Anderson (Admitted Pro Hac Vice)
DICKSTEIN SHAPIRO LLP
1825 Eye Street, NW
Washington, DC 20006
Tel.: (202) 420-2200
Fax: (202) 420-2201
HoffmanG@dicksteinshapiro.com
BrothersK@dicksteinshapiro.com
ParkeK@dicksteinshapiro.com
AndersonT@dicksteinshapiro.com

Edward H. Rippey (Missouri Bar No. 46889)
COVINGTON & BURLING
1201 Pennsylvania Avenue NW
Washington, DC 20004-2401
Tel.: (202) 662-5171
Fax: (202) 778-5151
erippey@cov.com

Robert M. Thompson (Missouri Bar No. 38156)
Mark W. Brennan (Missouri Bar No. 39117)
BRYAN CAVE LLP
3500 One Kansas City Place
1200 Main Street, Suite 3500
Kansas City, MO 64015-2100
Tel.: (816) 374-3200
Fax: (816) 374-3300
mwbrennan@bryancave.com
rmthompson@bryancave.com

Edward R. Spalty (Missouri Bar No. 26086)
David A. Jermann (Missouri Bar No. 51389)
ARMSTRONG TEASDALE LLP
2345 Grand Boulevard, Suite 2000
Kansas City, Missouri 64108-2617
Tel.: (816) 221-3420
Fax: (816) 221-0786
espalty@armstrongteasdale.com
djermann@armstrongteasdale.com

Jeffrey S. Standley (Admitted Pro Hac Vice)
F. Michael Speed, Jr. (Admitted Pro Hac Vice)
Mark R. Engle (Admitted Pro Hac Vice)
STANDLEY LAW GROUP LLP

ATTORNEYS FOR LENDINGTREE, LLC

6300 Riverside Drive
Dublin, OH 43017
Tel.: (614) 792-5555
Fax: (614) 792-5536
jstandley@standleyllp.com
mspeed@standleyllp.com
mengle@standleyllp.com

ATTORNEYS FOR BLOCK FINANCIAL
LLC

CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2010 I electronically filed the foregoing JOINT MOTION TO VACATE THE COURT'S SEPTEMBER 10, 2009 ORDER with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Deanna L. Kwong dkwong@cov.com
Danielle Goldstein dgoldstein@cov.com
Edward Rippey erippey@cov.com
Leslie N. Harvey lharvey@cov.com
Robert D. Fram rfram@cov.com
Winslow B. Taub wtaub@cov.com
COVINGTON & BURLING LLP
One Front Street
San Francisco, CA 94111
Tel: (415) 591-6000 / Fax: (415) 591-6091
David A. Jermann djermann@armstrongteasdale.com
Edward R. Spalty espalty@armstrongteasdale.com
ARMSTRONG TEASDALE LLP
2345 Grand Boulevard, Suite 2000
Kansas City, Missouri 64108-2617
Tel: (800) 243-5070 / Fax: (816) 329-5426

/s/ Kenneth W. Brothers
By: Kenneth W. Brothers
Attorney for BLOCK FINANCIAL LLC