

APPELLATE CASE NO. 11-55863

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

LAURA SIEGEL LARSON

Plaintiff, Counterclaim-Defendant, and Appellant.

v.

WARNER BROS. ENTERTAINMENT INC., DC COMICS

Defendants, Counterclaimants, and Appellees.

**DECLARATION OF MARC TOBEROFF IN SUPPORT OF
APPELLANT LAURA SIEGEL LARSON'S UNOPPOSED MOTION
FOR AN EXTENSION OF TIME TO FILE OPENING BRIEF**

Appeal From The United States District Court for the Central District
of California,

Case No. CV-04-8400 ODW (RZx), Hon. Otis D. Wright II

TOBEROFF & ASSOCIATES, P.C.

Marc Toberoff

mtoberoff@ipwla.com

Keith G. Adams

kgadams@ipwla.com

2049 Century Park East, Suite 3630

Los Angeles, California 90067

Telephone: (310) 246-3333

Facsimile: (310) 246-3101

*Attorneys for Plaintiff-Appellant,
Laura Siegel Larson, individually and
as personal representative of the Estate
of Joanne Siegel*

DECLARATION OF MARC TOBEROFF

I, Marc Toberoff, declare as follows:

1. I am an attorney at Toberoff & Associates, P.C. counsel of record for Plaintiff-Appellant Laura Siegel Larson, individually and as personal representative of the Estate of Joanne Siegel. I am also counsel of record for Laura Siegel Larson, individually and as the personal representative of the Estate of Joanne Siegel, in the underlying case of *Larson v. Warner Bros. Entertainment, Inc.*, C.D. Cal. Case No. 04-CV-08400 ODW and the related case of *Siegel, et al. v. Time Warner Inc., et al.*, C.D. Cal. Case No. 04-CV-08776 ODW. I am a member in good standing of the State Bar of California and submit this declaration in support of Appellant Laura Siegel Larson's Unopposed Motion For An Extension Of Time To File Opening Brief pursuant to Ninth Cir. Rule 31-2.2(b). I have personal knowledge of the facts set forth in this declaration and, if called as a witness, I could and would testify competently to such facts under oath.

2. Plaintiff-Appellant Laura Siegel Larson ("Appellant") has not previously requested any extension of time to file her opening brief in this matter.

3. The issues in this appeal are complex and require time to prepare an opening brief that will most effectively assist the Court in resolving the issues raised.

4. I am the principal of Toberoff & Associates, P.C., a small boutique

law firm, comprised of three attorneys, that focuses on copyright litigation. I have numerous competing commitments that justify the brief extension of time requested in this unopposed motion.

5. I represent the plaintiff The First National Bank in Sioux Falls, as trustee for The Sequoia Charitable Trust, in the case *The First National Bank in Sioux Falls v. Warner Bros. Entertainment Inc., et al.*, C.D. Cal. Case No. 09-CV-08887 (GAF), and have a settlement mediation, summary judgment briefing, motions, and numerous depositions scheduled over the next month.

6. I also represent the children and heirs of comic book creator Jack Kirby as appellants in *Marvel Characters, Inc., et al. v. Kirby, et al.*, C.A. No. 11-03333 (CM) (2d Cir.), wherein I must prepare and file an opening brief and an appendix by December 9, 2011.

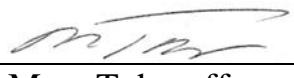
7. I am also counsel of record for Appellant as a defendant and for co-defendants Mark Warren Peary, as personal representative of the Estate of Joseph Shuster, and Jean Adele Peavy in the related case of *DC Comics v. Pacific Pictures Corp., et al.*, C.D. Cal. Case No. 10-CV-03633 (ODW). In this case, and the two related cases *Siegel v. Time Warner Inc., supra*, and *DC Comics v. Pacific Pictures Corp., supra*, the parties have a JAMS settlement mediation scheduled before the Hon. Daniel Weinstein on December 1, 2011.

8. On October 13, 2011, Appellees' counsel initially brought up the issue

with me of extending the briefing schedule, and informed me on October 20, 2011 and October 26, 2011, that Appellees do not oppose this motion.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 26th day of October, 2011, at Los Angeles, California.



Marc Toberoff