

Appeal Nos. 11-55863, 11-56034

United States Court of Appeals

FOR THE

Ninth Circuit

Laura Siegel Larson,
Plaintiff, Counterclaim-Defendant, Appellant, and Cross-Appellee

v.

Warner Bros. Entertainment Inc. and DC Comics,
Defendants, Counterclaimants, Appellees, and Cross-Appellants

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA
THE HONORABLE OTIS D. WRIGHT, II
CASE NO. CV-04-8400 ODW (RZX)

UNOPPOSED MOTION FOR EXTENSION OF DUE DATE FOR PRINCIPAL AND RESPONSE BRIEF OF CROSS-APPELLANTS AND APPELLEES WARNER BROS. ENTERTAINMENT INC. AND DC COMICS

O'MELVENY & MYERS LLP
DANIEL M. PETROCELLI (CA S.B. # 97802)
MATTHEW T. KLINE (CA S.B. # 211640)
CASSANDRA L. SETO (CA S.B. # 246608)
1999 AVENUE OF THE STARS, 7TH FLOOR
LOS ANGELES, CA 90067-6035
TELEPHONE: (310) 553-6700
FACSIMILE: (310) 246-6779

PERKINS LAW OFFICE, P.C.
PATRICK T. PERKINS (NY S.B. # 2603371)
1711 ROUTE 9D
COLD SPRING, NY 10516
TELEPHONE: (845) 265-2820
FACSIMILE: (845) 265-2819

Attorneys for Cross-Appellants and Appellees Warner Bros. Entertainment Inc. and DC Comics

Pursuant to Ninth Circuit Rule 31-2.2(b), cross-appellants and appellees Warner Bros. Entertainment Inc. and DC Comics (collectively, “DC”) request a 43-day extension of the due date for their Principal and Response Brief from January 23, 2012, to March 6, 2012. Cross-appellee and appellant Laura Siegel Larson has consented to this extension and does not oppose DC’s motion. Declaration of Daniel M. Petrocelli (“Petrocelli Decl.”) Ex. A.

DC has not previously sought any extension. Ms. Larson filed an unopposed motion to extend the due date for her Principal Brief by 45 days, and the Court granted that motion. Appeal No. 11-55863, Docket No. 11.

There is good cause for granting this motion given the complexity of the issues in this case, the need for parity in briefing, and the trial schedule of DC’s lead counsel, Daniel Petrocelli, who has two federal trials set to commence on January 24, 2012 and February 7, 2012, respectively. Petrocelli Decl. ¶ 3.

No transcript has been designated, and thus no court reporter is in default with regard to any designated transcript.

DC has exercised diligence, and upon the granting of this motion, will file its initial brief on or before March 6, 2012.

Dated: January 5, 2012

O'MELVENY & MYERS LLP

By: /s/ Daniel M. Petrocelli

Daniel M. Petrocelli

Attorneys for Cross-Appellants and
Appellees Warner Bros.
Entertainment Inc. and DC Comics

STATEMENT OF RELATED CASES

Pursuant to Ninth Circuit Rule 28-2.6, DC identifies the following related cases currently pending before this Court:

1. *Pacific Pictures Corporation et al. v. DC Comics*, Appeal No. 11-71844 (9th Cir.) (filed 2011); and
2. *Pacific Pictures Corporation et al. v. DC Comics*, Appeal No. 11-56934 (9th Cir.) (filed 2011).

Dated: January 5, 2012

O'MELVENY & MYERS LLP

By: /s/ Daniel M. Petrocelli

Daniel M. Petrocelli

Attorneys for Cross-Appellants and
Appellees Warner Bros.
Entertainment Inc. and DC Comics

CERTIFICATE OF COMPLIANCE

Pursuant to Federal Rules of Appellate Procedure 27(d)(2) and 32(a), I hereby certify that this Unopposed Motion For Extension Of Due Date For Principal And Response Brief Of Cross-Appellants And Appellees Warner Bros. Entertainment Inc. And DC Comics is proportionately spaced, has a typeface of 14 points or more, and does not exceed 20 pages.

Dated: January 5, 2012

O'MELVENY & MYERS LLP

By: /s/ Daniel M. Petrocelli

Daniel M. Petrocelli
Attorneys for Cross-Appellants and
Appellees Warner Bros.
Entertainment Inc. and DC Comics