

Appeal Nos. 11-55863, 11-56034

# United States Court of Appeals

FOR THE

## Ninth Circuit

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

v.

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

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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)

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### **DECLARATION OF DANIEL M. PETROCELLI IN SUPPORT OF UNOPPOSED MOTION FOR EXTENSION OF DUE DATE FOR PRINCIPAL AND RESPONSE BRIEF OF CROSS-APPELLANTS AND APPELLEES WARNER BROS. ENTERTAINMENT INC. AND DC COMICS**

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## **DECLARATION OF DANIEL M. PETROCELLI**

I, Daniel M. Petrocelli, declare and state as follows:

1. I am an attorney licensed to practice in the State of California and admitted to practice before the United States Court of Appeals for the Ninth Circuit. I am a partner at O'Melveny & Myers LLP, counsel of record for cross-appellants and appellees Warner Bros. Entertainment Inc. and DC Comics in the above-entitled action. I make this declaration in support of DC's Unopposed Motion For Extension Of Due Date For Principal And Response Brief Of Appellants And Appellees Warner Bros. Entertainment Inc. And DC Comics. I have personal knowledge of the matters set forth herein, and if called to testify to those facts, I could and would do so competently.

2. Attached hereto as Exhibit A is a true and correct copy of an email I sent to Marc Toberoff, counsel for appellant and cross-appellee Laura Siegel Larson, on October 27, 2011, which provides in relevant part: "This is to confirm that as part our agreement not to oppose your request for a 45-day extension to file plaintiff's opening appeal brief, you will not oppose our request for a parallel extension of the deadline for filing our respondents' brief and cross-appeal brief. This means that we would have 45 days added to the 30 days already provided by FRAP 28.1(f)(2) -- or until March 6, 2012 -- to file our briefs."

3. I currently have two bench trials set to commence on January 24, 2012 and February 7, 2012, respectively, in the United States District Court for the Central District of California.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. This declaration is executed this 5th day of January 2012 in Los Angeles, California.

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/s/ Daniel M. Petrocelli  
Daniel M. Petrocelli