

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)

### **DECLARATION OF DANIEL M. PETROCELLI IN SUPPORT OF 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 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 a letter my colleague Cassandra Seto sent to counsel for appellant and cross-appellee Laura Siegel Larson on February 15, 2012. As of the time of filing, we have not received a response.

3. I completed a three-week bench trial in the Central District of California on February 10, 2012. (*Hollywood Foreign Press Ass'n v. Red Zone Capital Partners II, L.P.*, Case No. CV10-8833 AHM (FMOx).) I began a second bench trial in the Central District of California on February 14, 2012, that is expected to end in early March. (*Allergan, Inc. v. Merz Pharmaceuticals, LLC*,

SACV11-00446 AG (Ex.) I have a third bench trial set to commence on March 26, 2012, in the Southern District of New York. (*Gucci Am. Inc. v. Guess? Inc.*, Case No. 09CV4373 (SAS).)

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 17<sup>th</sup> day of February 2012 in Santa Ana, California.

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/s/ Daniel M. Petrocelli  
Daniel M. Petrocelli