

**APPELLATE CASE NO. 11-55863;
CROSS-APPEAL CASE NO. 11-56034**

**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 KEITH ADAMS IN SUPPORT OF APPELLANT LAURA SIEGEL
LARSON'S OPPOSITION TO MOTION FOR EXTENSION OF DUE DATE FOR
PRINCIPAL AND RESPONSE BRIEF OF CROSS-APPELLANTS AND APPELLEES
WARNER BROS. ENTERTAINMENT INC. AND DC COMICS**

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.

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

DECLARATION OF KEITH ADAMS

I, Keith Adams, 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 make this declaration in support of Appellant Laura Siegel Larson's Opposition to Motion For Extension of Due Date For Principal and Response Brief of Cross-Appellants and Appellees Warner Bros. Entertainment Inc. and DC Comics. I have personal knowledge of the matters set forth in this declaration, and if called to testify to the facts stated herein, I could and would do so competently.

2. Attached hereto as Exhibit A is a true and correct copy of a February 21-22 e-mail exchange between me and Cassandra Seto, counsel for Appellees.

I declare under penalty of perjury that the foregoing is true and correct. This declaration is executed this 24th day of February, 2012, in Malibu, California.

Dated: February 24, 2011

TOBEROFF & ASSOCIATES, P.C.

/s/ Keith Adams

Keith Adams

Attorneys for Appellant, Laura Siegel Larson

Subject: RE: Larson v. Warner Bros. Entm't, et al., Appeal No. 11-55863, Warner Bros. Entm't, et al. v. Larson, Appeal No. 11-56034

From: Seto, Cassandra (cseto@OMM.com)

To: kgadams@ipwla.com;

Cc: MKline@OMM.com;

Date: Wednesday, February 22, 2012 2:40 PM

Keith,

The quid pro quo is a reasonable schedule that accomodates everyone's schedules, and Dan's will be pressed during the reply period your request for an extension creates. We stand by our offer of yesterday, assuming you file a non-opposition today.

Thanks,

Cassie

From: Keith Adams [mailto:kgadams@ipwla.com]
Sent: Tuesday, February 21, 2012 8:02 PM
To: Seto, Cassandra
Subject: Re: Larson v. Warner Bros. Entm't, et al., Appeal No. 11-55863, Warner Bros. Entm't, et al. v. Larson, Appeal No. 11-56034

Cassie:

Our agreement to a 17-day extension for DC's opposition/cross-appeal brief is a quid pro quo for DC's agreement to an 17-day extension for our opposition/reply brief. We cannot agree to give DC an additional 17-day extension for DC's final reply brief, as that would unfairly give DC two extensions to Plaintiff's one. If DC will agree to reciprocal 17-day extensions for its opposition/cross-appeal brief and our opposition/reply brief, we will file our statement of non-opposition tomorrow.

Keith G. Adams
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From: "Seto, Cassandra" <cseto@OMM.com>
To: Keith Adams <kgadams@ipwla.com>
Cc: "Kline, Matthew" <MKline@OMM.com>
Sent: Tuesday, February 21, 2012 12:49 PM
Subject: RE: Larson v. Warner Bros. Entm't, et al., Appeal No. 11-55863, Warner Bros. Entm't, et al. v. Larson, Appeal No. 11-56034

Keith,

We will agree to a 17-day extension of the due date for Ms. Larson's second brief, provided that you (1) file a notice of non-opposition to our motion to extend today; and (2) agree to a similar extension of the due date for DC's second brief (*i.e.*, 30 days rather than 14 days).

Please let us know if you agree.

Thanks,
Cassie

From: Keith Adams [mailto:kgadams@ipwla.com]
Sent: Tuesday, February 21, 2012 10:40 AM
To: Seto, Cassandra
Subject: Re: Larson v. Warner Bros. Entm't, et al., Appeal No. 11-55863, Warner Bros. Entm't, et al. v. Larson, Appeal No. 11-56034

Cassie:

Sorry, we were not able to get back to you last week. Mr. Toberoff was out-of-state on a trip with his family.

We will not oppose DC's motion for a 17-day extension of the time for DC to file its Principal and Opposition Brief from March 6, 2012 to March 23, 2012, provided that DC agree to a reciprocal 17-day extension for Plaintiff-Appellant to file her Reply and Opposition Brief, from April 23, 2012 (when the brief would normally be due if the requested extension was granted) to May 10, 2012; as a April 23 deadline would conflict with the preparation of a major appellate brief due on April 30, 2013 in another important matter.

Please let me know if this is acceptable.

Thank-you

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From: "Seto, Cassandra" <cseto@OMM.com>
To: Marc Toberoff <mtoberoff@ipwla.com>; Keith Adams <kgadams@ipwla.com>
Cc: "Petrocelli, Daniel" <DPetrocelli@OMM.com>; "Kline, Matthew" <MKline@OMM.com>
Sent: Wednesday, February 15, 2012 1:17 PM
Subject: Larson v. Warner Bros. Entm't, et al., Appeal No. 11-55863, Warner Bros. Entm't, et al. v. Larson, Appeal No. 11-56034

Dear Counsel,

Please see the attached letter.

Thanks,
Cassie

Cassandra L. Seto
O'Melveny & Myers LLP
1999 Avenue of the Stars, Suite 700, Los Angeles, California 90067
Telephone: 310.246.6703 | Facsimile: 310.246.6779

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