

Joanne Siegel et al v Warner Bros Entertainment Inc et al

Doc. 11

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FILED - EASTERN DIVISION
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APR - 3 2007
CENTRAL DISTRICT OF CALIFORNIA
DEPUTY

Attorneys for Plaintiffs and Counterclaim Defendants
JOANNE SIEGEL AND LAURA SIEGEL LARSON

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - EASTERN DIVISION

9 JOANNE SIEGEL and LAURA
10 SIEGEL LARSON,

Plaintiffs,

vs.

12 TIME WARNER INC., WARNER
13 COMMUNICATIONS INC., WARNER
14 BROS. ENTERTAINMENT INC.,
15 WARNER BROS. TELEVISION
PRODUCTION INC., DC COMICS,
and DOES 1-10,

Defendants.

) Case Nos. [Consolidated for
) Discovery]
) CV 04-8400 SGL (RZx)
) CV 04-8776 SGL (RZx)
) Hon. Stephen G. Larson, U.S.D.J.
) Hon. Ralph Zarefsky, U.S.M.J.

**STIPULATION RE:
SCHEDULING ORDER AND
[PROPOSED] ORDER
THEREON**

20 AND RELATED COUNTERCLAIMS.

ROCKETED ON CM
APR - 4 2007
117

STIPULATION REGARDING DEPOSITION OF WAYNE LEVELLEN

044

1 Plaintiffs/counterclaim-defendants Joanne Siegel and Laura Siegel Larson
2 (collectively "Plaintiffs"), and defendants Warner Bros. Entertainment Inc., Time
3 Warner Inc., Warner Communications Inc. and Warner Bros. Television
4 Production Inc. and defendant/counterclaimant DC Comics (collectively
5 "Defendants"), by and through their respective counsel of record, and subject to
6 the order of this Court, hereby stipulate and agree as follows:

7 WHEREAS, pursuant to the prior stipulation of the parties, and the orders of
8 this Court, the expert discovery deadline of March 30, 2007 was set in these cases;

9 WHEREAS, the parties have exchanged all moving and rebuttal expert
10 reports, and will have concluded all but one of the depositions of the numerous
11 experts designated (twelve in total between the parties) by March 30, 2007;

12 WHEREAS, the deposition of Plaintiffs' expert, Mr. Wayne Lewellen (the
13 former President of distribution for Paramount Pictures Corp.) was originally
14 scheduled for March 27, 2007, but due to an unforeseen business emergency, Mr.
15 Lewellen was required to travel out of state the morning of March 27, 2007 and
16 will not be able to return until April 4, 2007 at the earliest;

17 WHEREAS, Defendants intend to file a motion for partial summary
18 judgment addressing, among other things, Plaintiffs' allegation that the Defendants
19 are "alter egos" of each other and have expressed the need to conduct Mr.
20 Lewellen's deposition by March 30, 2007 in light of the upcoming motion filing
21 deadline of April 23, 2007;

22 WHEREAS, the parties have met and conferred on this matter and
23 Defendants have agreed to reschedule Mr. Lewellen's deposition for April 9, 2007
24 on the condition that Plaintiffs agree to not submit any testimony of Mr. Lewellen
25 in response to Defendants' motion on the aforesaid "alter ego" issue;

26 WHEREAS, Plaintiffs have consented to this condition and the parties have
27 agreed, subject to the Court's approval, to extend the expert discovery cut-off to
28 accommodate Mr. Lewellen's deposition on April 9, 2007;

1 WHEREAS, counsel for each party certifies to the Court that the requested
2 extension is essential to complete the necessary expert discovery of Mr. Lewellyn,
3 and is not sought for any improper purpose;

4 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED,
5 subject to the approval of the Court, that:

6 (i) the expert discovery cut-off applicable to these matters shall be extended
7 from March 30, 2007 to April 10, 2007, for the purpose of conducting the
8 deposition of Mr. Lewellyn only; and

9 (ii) Plaintiffs will not submit any testimony of Mr. Lewellyn in response to
10 Defendants' motion for partial summary judgment on Plaintiffs' claim that the
11 Defendants are the "alter ego" of each other.

12

13 Respectfully submitted,

14 DATED: March 30, 2007

WEISSMANN WOLFF BERGMAN
COLEMAN GRODIN & EVALL LLP

FROSS ZELNICK LEHRMAN & ZISSU,
P.C.

PERKINS LAW OFFICE, P.C.

18 By: Michael Bergman
19 Michael Bergman
20 Attorneys for Defendants

21 DATED: March 30, 2007

LAW OFFICES OF MARC TOBEROFF,
PLC

23 By: Marc Toberoff
24 Marc Toberoff
25 Attorneys for Plaintiffs

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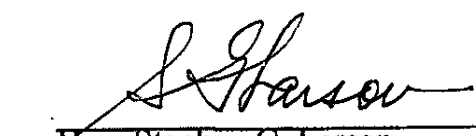
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ORDER

Based on the Stipulation of the parties, and for good cause shown,

IT IS HEREBY ORDERED that the expert discovery cut-off applicable to these matters shall be extended from March 30, 2007 to April 10, 2007.

Dated: 4-3-07



Hon. Stephen G. Larson
Judge, United States District Court

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STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) **ss.**

I am employed in the County of Los Angeles, State of California; I am over the age of 18 and not a party to the within action; my business address is 9665 Wilshire Boulevard, Suite 900, Beverly Hills, California 90212. On the date shown below, I served the foregoing document described as: **STIPULATION RE: SCHEDULING ORDER AND [PROPOSED] ORDER THEREON** on the interested parties in said action, and by placing a true copy thereof enclosed in sealed envelopes, addressed as follows:

Marc Toberoff, Esq.
Nicholas C. Williamson, Esq.
Law Offices of Marc Toberoff
2049 Century Park East, Ste. 2720
Los Angeles, CA 90067

XX **(BY MAIL)** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Beverly Hills, California. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

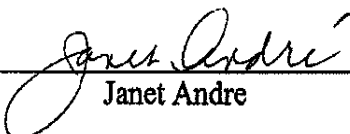
____ **(PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the offices of the addressee.

XX **(BY FACSIMILE)** I caused a copy of such document(s) to be transmitted to the offices of the addressee(s) via facsimile transmission at the facsimile number(s) listed above.

Executed on March 30, 2007, at Beverly Hills, California.

(STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

XX **FEDERAL** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.



Janet Andre