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13 UNITED STATES DISTRICT COURT  
 14 CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION

15 JOANNE SIEGEL and LAURA  
 SIEGEL LARSON,

16 Plaintiffs,

17 vs.

18 TIME WARNER INC., WARNER  
 19 COMMUNICATIONS INC., WARNER  
 BROS. ENTERTAINMENT INC.,  
 20 WARNER BROS. TELEVISION  
 PRODUCTION INC., DC COMICS,  
 21 and DOES 1-10,

22 Defendants.

) Case No. CV 04-8400 SGL (RZx)  
 ) Hon. Stephen G. Larson, U.S.D.J.  
 ) Hon. Ralph Zarefsky, U.S.M.J.

) **STIPULATION REQUESTING  
 STATUS CONFERENCE AND  
 BRIEFING SCHEDULE  
 REGARDING CERTAIN TRIAL  
 AND PRE-TRIAL MATTERS**

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 26 AND RELATED COUNTERCLAIMS.  
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28 STIPULATION REQUESTING STATUS CONFERENCE

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, hereby stipulate  
6 and agree as follows:

7 WHEREAS, trial in this matter is presently set to commence on May 13,  
8 2008, and the Final Pre-trial Conference is scheduled for April 28, 2008;

9 WHEREAS, the parties have identified certain issues for resolution after the  
10 Court's pending ruling on the parties' cross-motions for summary judgment which  
11 issues may substantially affect the conduct of the trial and the parties' pre-trial  
12 preparations, as well as the length of the trial. These issues are as follows:

- 13
- 14 1. If Plaintiffs are successful in their Superman copyright termination claim,  
15 is Plaintiffs' share of post-termination profits as a joint owner of the  
16 recaptured Superman copyright(s) subject to reduction via an  
17 "apportionment" analysis.
  - 18
  - 19 2. If Plaintiffs are successful in their Superman copyright termination claim,  
20 are the following to be determined by the Court or by the jury: (a) the  
21 amount of post-termination Superman profits at issue and (b) the degree,  
22 if any, to which Plaintiffs' share of such profits should be reduced by  
23 "apportionment"?
  - 24
  - 25 3. If an "apportionment" analysis is held to be appropriate, is the trier of  
26 fact (be it the Court or the jury), required to make a separate and  
27 independent apportionment determination, if any, for each post-  
28 termination Superman work?

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4. Do Plaintiffs or Defendants bear the burden of proof on (a) the issue of Defendants' profits, and (b) the issue of the apportionment, if any, of those profits?

WHEREAS, the parties believe that the forgoing issues are of sufficient importance to the conduct of the trial such that these issues should be fully briefed and argued and, for the sake of efficiency, addressed by the Court in advance of the Final Pre-trial Conference;

WHEREAS, the parties have identified the following additional issue, but are not in agreement as to when it should be determined, in that Plaintiffs believe it improperly presents an additional motion for partial summary judgment after the dispositive motion deadline and, in any event, presents multiple issues of fact to be determined at trial while Defendants believe that the issue is properly the subject of a motion in limine, the import of which requires that it should be determined substantially prior to trial in that it is fundamental to the presentation of any "apportionment" analysis:

5. If Plaintiffs are successful in their Superman copyright termination claim, are Plaintiffs only entitled to profits derived from Plaintiffs' recaptured copyright interest in Action Comics No. 1; that is, was Jerome Siegel's contribution on all subsequent Superman works (within the termination "window") as a "work-made-for-hire" and accordingly not subject to termination?

NOW THEREFORE, the parties respectfully request that the Court set a status conference at its earliest convenience to set a briefing schedule for the parties to brief the above issues after the Court's determination of the parties'

1 pending motions for partial summary judgment so that they might be determined in  
2 an orderly fashion. The parties are concurrently submitting a stipulation regarding  
3 the rescheduling of the trial and pre-trial dates in this matter in a manner that  
4 would reasonably follow the Court's rulings on the parties' pending motions for  
5 partial summary judgment; accordingly, the parties respectfully request that in the  
6 event the Court does not grant that concurrent stipulation, those trial and pre-trial  
7 scheduling matters also be discussed at the requested status conference.

8  
9 Respectfully submitted,

10 DATED: February 21, 2008

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17 DATED: February 21, 2008

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