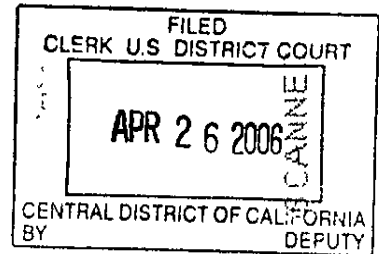


Joanne Siegel et al v. Warner Bros Entertainment Inc et al

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Attorneys for Defendants/Counterclaimant

UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA

LOGGED

24 JOANNE SIEGEL and LAURA SIEGEL  
 25 LARSON,

Plaintiffs,

26 vs.  
 27 WARNER BROS. ENTERTAINMENT  
 28 INC.; TIME WARNER INC.; DC  
 COMICS; and DOES 1-10,

Defendants.

29 JOANNE SIEGEL and LAURA SIEGEL  
 30 LARSON,

Plaintiffs,

vs.

31 TIME WARNER INC.; WARNER  
 32 COMMUNICATIONS INC.; WARNER  
 33 BROS. ENTERTAINMENT INC.;  
 34 WARNER BROS. TELEVISION  
 35 PRODUCTION INC.; DC COMICS; and  
 36 DOES 1-10,

Defendants.

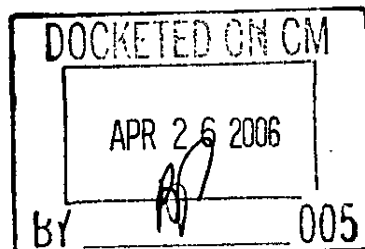
AND RELATED COUNTERCLAIMS

Case Nos. [Consolidated for Discovery]:

CV 04-8400 RSWL (RZx) ✓  
 04-8776 RSWL (RZx)

Hon. Ronald S.W. Lew, U.S.D.J.  
 Hon. Ralph Zarefsky, U.S.M.J.

STIPULATION RE: SCHEDULE AND [PROPOSED] ORDER THEREON



51

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

7 WHEREAS, by the Scheduling Conference Order dated April 29, 2005, the  
8 Hon. Dean D. Pregerson of this Court ordered, *inter alia*, the following Pre-Trial and  
9 Trial dates in these actions, which have been consolidated only for purposes of  
10 discovery:

- 11 Discovery cut-off May 17, 2006
- 12 Last day to File Motions June 19, 2006
- 13 Pre-trial Conference August 28, 2006, 4pm
- 14 Jury Trial September 5, 2006

15 WHEREAS, the parties have diligently pursued discovery in these actions,  
16 including written discovery and document production;

17 WHEREAS, since the original scheduling order was entered and discovery has  
18 progressed in these actions, the parties have a more informed understanding of the  
19 complexity of the issues and the significant discovery reasonably required to address  
20 such issues;

21 WHEREAS, although the parties endeavored in good faith to agree and did  
22 agree on the terms of a joint protective order governing the use and filing of  
23 confidential documents in these actions, which was initially rejected and subsequently  
24 accepted by the Court, completion of this process slowed the production of  
25 confidential documents;

26 WHEREAS, in *Siegel v. Time Warner Inc.*, Case No. 04-8776 RSWL (RZx)  
27 (C.D. Cal.), the parties focused their efforts on simultaneously filed and complex  
28 cross-motions for summary judgment based on detailed decades-old facts and

SCANNED

1 documents and involving extensive briefing and supporting filings, and which, *inter*  
2 *alia*, has also slowed completion of discovery under the current schedule;

3 WHEREAS, the Court's recent order of March 24, 2006 in connection with the  
4 aforementioned summary judgment motions has left the Smallville infringement claim  
5 for trial which will necessitate expert witness discovery on the issue of extrinsic  
6 similarities between the works at issue;

7 WHEREAS, counsel for Plaintiffs is moving his law offices over the next  
8 several weeks and access to files will be impeded during this disrupted period;

9 WHEREAS, the parties believe that granting the requested extensions will  
10 materially advance the prospects of reaching a settlement of this action without further  
11 recourse to this Court or unnecessary expense to the parties;

12 WHEREAS, the parties, through their undersigned counsel, have agreed to an  
13 extension of pre-trial dates as follows:

- 14 Non-expert discovery cut-off November 17, 2006
- 15 Expert discovery cut-off February 16, 2007
  - 16     ▪ moving reports due December 22, 2006
  - 17     ▪ rebuttal reports due January 19, 2007
- 18 Motion filing cut-off March 19, 2007
- 19 Pre-trial Conference May 21, 2007
- 20 Trial June 25, 2007; and,

21 WHEREAS, counsel for each party certifies to the Court that the requested  
22 extension is essential to complete necessary discovery is for good cause shown and is  
23 not sought for any improper purpose;

24 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject  
25 to the approval of the Court, that the April 29, 2005 scheduling order be modified as  
26 follows:

- 27 Non-expert discovery cut-off November 17, 2006
- 28 Expert discovery cut-off February 16, 2007

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Motion filing cut-off  
Pre-trial Conference  
Trial

- moving reports due December 22, 2006
  - rebuttal reports due January 19, 2007
- March 19, 2007  
May 21, 2007  
June 25, 2007

Respectfully submitted,

DATED: April 20, 2006

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-and-

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Michael Bergman  
Anjani Mandavia  
Adam Hagen

By:   
Michael Bergman

Attorneys for Defendants and Counterclaimant

DATED: April 20, 2006

LAW OFFICES OF MARC TOBEROFF, PLC  
Marc Toberoff  
Nicholas C. Williamson

By:   
Marc Toberoff

Attorneys for Plaintiffs/Counterclaim-Defendants

CANMED

**ORDER**

Based upon the stipulation of the parties and for good cause shown,

**IT IS HEREBY ORDERED** that that the April 29, 2005 scheduling order be modified as follows:

Non-expert discovery cut-off November 17, 2006

Expert discovery cut-off February 16, 2007

▪ moving reports due December 22, 2006.

▪ rebuttal reports due January 19, 2007

Motion filing cut-off March 19, 2007

Pre-trial Conference May 21, 2007, 11AM

Trial June 29, 2007, 9AM

**RONALD S.W. LEW**

Dated: April 25, 2006

Hon. Ronald S.W. Lew  
Judge, United States District Court

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**PROOF OF SERVICE**

SCANNED

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

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 Blvd, Ninth Floor, Beverly Hills, California 90212. On the date shown below, I served the documents described as: **DEFENDANTS' MOTION TO CERTIFY ORDER OF MARCH 24, 2006 FOR IMMEDIATE APPEAL; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT THEREOF** on the interested parties in said action, by placing a true copy thereof enclosed in a sealed envelope, addressed as follows:

Marc Toberoff  
Law Offices of Marc Toberoff, PLC  
1999 Avenue of the Stars, Suite 1540  
Los Angeles, CA 90067  
Fax No.: (310) 246-3101

**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.

**XX (FACSIMILE SERVICE)** I caused such document to be transmitted via facsimile to the offices of the addressees at the numbers listed above.

**(PERSONAL SERVICE)** I caused such envelope to be delivered by hand to the addressees above.

**(BY FEDERAL EXPRESS)** I caused a copy of such document(s) to be delivered to the offices of the addressee(s) via Federal Express, next business day delivery service.

Executed on April 21, 2006, 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