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Joanne Siegel et al v. Time Warner Inc et al

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FILED
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 APR 26 2006
 CENTRAL DISTRICT OF CALIFORNIA
 BY DEPUTY

SCANNED

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Attorneys for Defendants/Counterclaimant

15 UNITED STATES DISTRICT COURT
 16 CENTRAL DISTRICT OF CALIFORNIA

17 JOANNE SIEGEL and LAURA SIEGEL
 LARSON,

Plaintiffs,

vs.

19 WARNER BROS. ENTERTAINMENT
 20 INC.; TIME WARNER INC.; DC
 21 COMICS; and DOES 1-10,

Defendants.

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.

22 JOANNE SIEGEL and LAURA SIEGEL
 LARSON,

Plaintiffs,

vs.

24 TIME WARNER INC.; WARNER
 25 COMMUNICATIONS INC.; WARNER
 BROS. ENTERTAINMENT INC.;
 26 WARNER BROS. TELEVISION
 PRODUCTION INC.; DC COMICS; and
 27 DOES 1-10,

Defendants.

STIPULATION RE: SCHEDULE AND [PROPOSED] ORDER THEREON

DOCKETED ON CM
 APR 26 2006
 BY *WLB* 009

AND RELATED COUNTERCLAIMS

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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

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

Motion filing cut-off

Pre-trial Conference

Trial

Respectfully submitted,

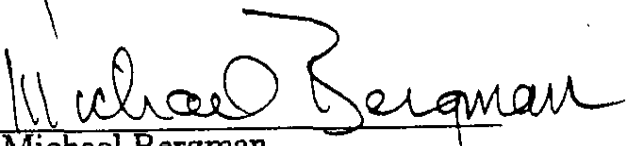
DATED: April 20, 2006

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 Justin Deabler

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-and-


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By: 
 Michael Bergman

Attorneys for Defendants and Counterclaimant

DATED: April 20, 2006

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 Marc Toberoff
 Nicholas C. Williamson

By: 
 Marc Toberoff

Attorneys for Plaintiffs/Counterclaim-Defendants

SCANNED

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 28, 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

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

SCANNED

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