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FILED
 CLERK, U.S. DISTRICT COURT
JUN 29 2006
 CENTRAL DISTRICT OF CALIFORNIA
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| 8 | | Priority | <input checked="" type="checkbox"/> |
| 9 | WEISSMANN WOLFF BERGMAN | Send | <input checked="" type="checkbox"/> |
| 9 | COLEMAN GRODIN & EVALL LLP | Enter | <input type="checkbox"/> |
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ORIGINAL

Attorneys for Defendant and Counterclaimant DC Comics

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

17 **JOANNE SIEGEL and LAURA SIEGEL**
LARSON.

Case No. CV 04-8776 (RSWL) (RZx)

18 Plaintiffs,
19 vs.

**STIPULATION AND [PROPOSED]
ORDER RE: DISCOVERY DISPUTE**

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

**DISCOVERY MATTER
LOCAL RULE 37**

23 Defendants.

DOCKETED ON CM
JUN 29 2006
 BY mg 009

25 AND RELATED COUNTERCLAIM

26
 27 Plaintiffs/Counterclaim Defendants JOANNE SIEGEL and LAURA SIEGEL
 28 LARSON (collectively, "Plaintiffs"), and Defendants TIME WARNER INC.,

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1 WARNER COMMUNICATIONS INC., WARNER BROS. ENTERTAINMENT INC.,
2 WARNER BROS. TELEVISION PRODUCTION INC., and
3 Defendant/Counterclaimant DC COMICS (collectively, "Defendants"), by and through
4 their attorneys of record, hereby stipulate as follows:

5 WHEREAS on March 31, 2006, Defendant/Counterclaimant DC Comics ("DC")
6 served certain interrogatories on Plaintiffs, including its Interrogatories No. 1-3;

7 WHEREAS on May 1, 2006, Plaintiffs served their objections and responses to
8 such interrogatories;

9 WHEREAS DC raised certain objections to Plaintiffs' responses by letter on May
10 10, 2006, and, unable to reach a satisfactory resolution to the discovery dispute, served
11 Plaintiffs with its portion of a joint stipulation on a motion to compel Plaintiffs'
12 responses to Interrogatories No. 1-3 on June 19, 2006; and

13 WHEREAS the parties have agreed on a resolution of the instant discovery
14 dispute which would avoid the need for court intervention.

15 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, subject to
16 the approval of the Court, that the parties' discovery dispute is resolved as follows:

17 1. DC's Interrogatory No. 1 is withdrawn and will not be counted against
18 DC's allotted number of interrogatories as set forth in Fed. R. Civ. P. 33(d).

19 2. In place of withdrawn Interrogatory No. 1, the following Interrogatory
20 ("New Interrogatory No. 1") shall be considered served on Plaintiffs:

21 **Interrogatory No. 1**

22 If Plaintiffs claim that that, as to each of the following works (as
23 defined in the Defendants' First Set of Requests for Admission dated March
24 31, 2006), the grant in the renewal copyright term has been terminated
25 pursuant to Section 304(c) of the Copyright Act, 17 U.S.C. § 304(c) by the
26 Superboy Notice, set forth the basis for such claim; if not, so state:

- 27 (a) *Action Comics #1*;
- 28 (b) *Superman #1*;

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- 1 (c) The Lowther Work;
- 2 (d) The January 1939 Strips;
- 3 (e) Superman Sunday Strip #1; and
- 4 (f) Superman Sunday Strip #135.

5 3. New Interrogatory No. 1 shall count as 6 interrogatories for purposes of
 6 determining DC's total interrogatories served pursuant to Fed. R. Civ. P. 33. Previously
 7 served Interrogatories No. 2 and 3 shall count as 2 interrogatories for purposes of
 8 determining DC's total interrogatories served pursuant to Fed. R. Civ. P. 33.

9 4. Plaintiffs shall serve Defendants (by facsimile and regular mail) complete,
 10 substantive responses to New Interrogatory No. 1, as well as to its previously served
 11 Interrogatories No. 2 and 3, without objection, by no later than 5:00pm PDT on July 14,
 12 2006. Notwithstanding, if they so choose, Plaintiffs may limit their responses to
 13 Interrogatory No. 3 to the *Smallville* television show on the basis that they are not
 14 currently aware of other allegedly infringing uses of Plaintiffs' Superboy works by
 15 Defendants.

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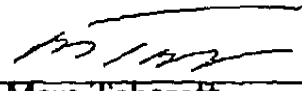
1 5. Unless and until this Stipulation is "so ordered" by the Court, DC's motion
2 to compel will remain in place, as will Plaintiffs' obligation to serve DC's counsel with
3 their portion of the joint stipulation by the close of business on June 28, 2006; upon
4 adoption by the Court, DC shall withdraw the motion without prejudice.

5 Dated: June 23, 2006

Respectfully submitted,

6 LAW OFFICES OF MARC
7 TOBEROFF, PLC

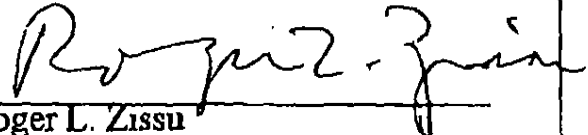
FROSS ZELNICK
LEHRMAN & ZISSU, PC
PERKINS LAW OFFICE, PC

8 By: 
9 Marc Toberoff

-and-

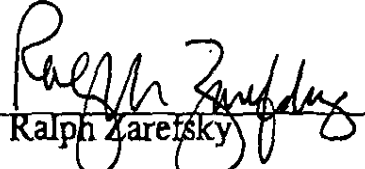
WEISSMANN WOLFF BERGMAN
COLEMAN GRODIN &
EVALL LLP

10 Attorneys for Plaintiffs

11
12 By: 
13 Roger L. Zissu

14 Attorneys for Defendant and
Counterclaimant DC Comics

15 SO ORDERED:

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18 Hon. Ralph Zaretsky

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PROOF OF SERVICE

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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: **STIPULATION AND [PROPOSED] ORDER RE: DISCOVERY DISPUTE** 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
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.

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

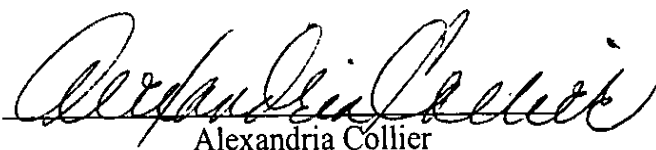
(PERSONAL SERVICE) I caused such envelope to be delivered by hand to the addressees above.

(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 **June 26, 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.


Alexandria Collier