28

WHEREAS, on November 25, 2014, the parties filed cross-motions for summary judgment and noticed the hearing date on those motions for January 26, 2015 (Dkt. No. 179 (notice of motion and cross-motion and motion and cross-motion for summary judgment));

WHEREAS, the parties met and conferred in good faith, pursuant to Local Rule 7-3, and each intends to file a motion to strike evidence relied upon by the opposing parties' motion for summary judgment;

WHEREAS, for the Court's and the parties' convenience, the parties would like to notice their anticipated motions to strike for the same hearing date as the parties' cross-motions for summary judgment;

WHEREAS, the briefing schedule on the parties' anticipated motions to exclude, pursuant to Local Rules 7-9 and 7-10, would conflict with previously scheduled holiday travel plans if these motions were noticed for January 26, 2015, the date currently set for the hearing on the parties' cross-motions for summary judgment;

WHEREAS, the parties have met and conferred in good faith and agreed that a one-week continuance of the hearing date on the parties' cross-motions for summary judgment—from January 26, 2015, to February 2, 2015—would enable the parties to notice their anticipated motions to exclude for the same date as the hearing on the parties' cross-motions for summary judgment and follow a briefing schedule on the parties' anticipated motions to exclude that would accommodate previously scheduled holiday travel plans;

WHEREAS, a one-week continuance of the hearing date on the parties' crossmotions for summary judgment would not change the date that any opposition or reply papers, with respect to the parties' cross-motions for summary judgment, are due to be filed with the Court;

1	NOW THEREFORE, IT IS	HEREBY STIPULATED AND AGREED, by
2	and between the parties, through t	he undersigned counsel, as follows: Upon the
3	Court's approval, the hearing dat	e on the parties' cross-motions for summary
4	judgment shall be continued to Febru	uary 2, 2015.
5	IT IS SO STIPULATED.	
6		
7		Respectfully submitted,
8		Respectivity submitted,
9	Dated: December 16, 2014	MUNGER TOLLES & OLSON LLP
	Dated. December 10, 2014	WICHGER TOLLES & OLSON LLI
10	By:	/s/ Kelly M. Klaus
11		KELLY M. KLAUS
12		IZELLAZAM IZLALIC
13		KELLY M. KLAUS kelly.klaus@mto.com
14		ADAM I. KAPLAN
15		adam.kaplan@mto.com
16		560 Mission St., 27th Floor San Francisco, CA 94105
17		Telephone: 415/512-4000
18		•
19		GLEN POMERANTZ
20		glenn.pomerantz@mto.com MELINDA E. LeMOINE
		melinda.lemoine@mto.com
21		MUNGER TOLLES & OLSON LLP
22		355 South Grand Ave., 35th Floor Los Angeles, CA 90071
23		Telephone: 213/683-9100
24		Facsimile: 213/687-3702
25		Attornays for Defendants Warner/Channell
26		Attorneys for Defendants Warner/Chappell Music, Inc. and Summy-Birchard, Inc.
27		, y
28		
	II	

WOLF HALDENSTEIN ADLER Dated: December 16, 2014 1 FREEMAN & HERZ LLP 2 By: /s/ Betsy C. Manifold 3 BETSY C. MANIFOLD 4 5 FRANCIS M. GREGOREK gregorek@whafh.com 6 BETSY C. MANIFOLD 7 manifold@whafh.com RACHELE R. RICKERT 8 rickert@whafh.com 9 MARISA C. LIVESAY livesay@whafh.com 10 750 B Street, Suite 2770 11 San Diego, CA 92101 12 Telephone: 619/239-4599 Facsimile: 619/234-4599 13 14 WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLP 15 MARK C. RIFKIN (pro hac vice) 16 rifkin@whafh.com 17 JANINE POLLACK (pro hac vice) pollack@whafh.com 18 BETH A. LANDES (pro hac vice) 19 landes@whafh.com 270 Madison Avenue 20 New York, NY 10016 21 Telephone: 212/545-4600 22 Facsimile: 212-545-4753 23 Interim Lead Counsel for Plaintiffs 24 RANDALL S. NEWMAN PC 25 RANDALL S. NEWMAN (190547) 26 rsn@randallnewman.net 37 Wall Street, Penthouse D 27 New York, NY 10005 28 Telephone: 212/797-3737

1	HUNT ORTMANN PALFFY NIEVES DARLING & MAH, INC.
2	ALISON C. GIBBS (257526)
3	gibbs@huntortmann.com
4	OMEL A. NIEVES (134444) nieves@nieves-law.com
5	KATHLYNN E. SMITH (234541)
6	smith@huntortmann.com
7	301 North Lake Avenue, 7th Floor
8	Pasadena, CA 91101
9	Telephone: 626/440-5200
10	Facsimile: 626/796-0107
11	DONAHUE FITZGERALD LLP
	WILLIAM R. HILL (114954)
12	rock@donahue.com
13	ANDREW S. MACKAY (197074)
14	andrew@donahue.com DANIEL J. SCHACHT (259717)
15	daniel@donahue.com
16	1999 Harrison Street, 25 th Floor
17	Oakland, CA 94612-3520
18	Telephone: 510/451-0544 Facsimile: 510/832-1486
19	
20	GLANCY BINKOW & GOLDBERG LLP
21	LIONEL Z. GLANCY (134180)
22	lglancy@glancylaw.com
23	MARC L. GODINO (188669) mgodino@glancylaw.com
24	1925 Century Park East, Suite 2100
	Los Angeles, CA 90067
25	Telephone: 310/201-9150 Facsimile: 310/201-9160
26	
27	Attorneys for Plaintiffs
28	

DECLARATION REGARDING CONCURRENCE

I, Kelly M. Klaus, am the ECF User whose identification and password are being used to file this **JOINT STIPULATION TO CONTINUE THE HEARING DATE FOR THE PARTIES' CROSS-MOTIONS FOR SUMMARY JUDGMENT; DECLARATION OF KELLY M. KLAUS IN SUPPORT THEREOF; AND [PROPOSED] ORDER GRANTING STIPULATION**. In compliance with L.R. 5-4.3.4, I hereby attest that I hereby attest that Betsy C. Manifold has concurred in this filing's content and has authorized its filing.

Dated: December 16, 2014 By: /s/ Kelly M. Klaus KELLY M. KLAUS

1	1
1	2

///

///

///

///

28 | ///

DECLARATION OF KELLY M. KLAUS

- 1. I, Kelly M. Klaus, hereby declare as follows:
- 2. I am a member of the firm Munger, Tolles & Olson LLP, counsel for Defendants Warner/Chappell Music, Inc. and Summy-Birchard, Inc. (jointly, "Warner/Chappell") in the above-captioned action. I am admitted to practice law in the State of California and before this Court. I submit this declaration in support of the parties' joint stipulation to continue the hearing date for the parties' crossmotions for summary judgment and have personal knowledge of the facts stated herein. If called upon to testify as to them, I could, and would, competently do so.
- 3. On November 25, 2014, the parties filed cross-motions for summary judgment and noticed the hearing date on those motions for January 26, 2015 (Dkt. No. 179 (notice of motion and cross-motion and motion and cross-motion for summary judgment)).
- 4. After meeting and conferring in good faith, pursuant to Local Rule 7-3, on December 12, 2014, each party intends to file a motion to exclude evidence relied upon by the opposing parties' motion for summary judgment.
- 5. For the Court's and the parties' convenience, the parties would like to notice their anticipated motions to exclude for the same hearing date as the parties' cross-motions for summary judgment.
- 6. The briefing schedule on the parties' anticipated motions to exclude, pursuant to Local Rules 7-9 and 7-10, would conflict with previously scheduled holiday travel plans if these motions were noticed for January 26, 2015, the date currently set for the hearing on the parties' cross-motions for summary judgment.

- 7. The parties have met and conferred in good faith and agreed that a one-week continuance of the hearing date on the parties' cross-motions for summary judgment—from January 26, 2015, to February 2, 2015—would be enable the parties to notice their anticipated motions to exclude for the same date as the hearing on the parties' cross-motions for summary judgment and follow a briefing schedule on the parties' anticipated motions to exclude that would accommodate previously scheduled holiday travel plans.
- 8. A one-week continuance of the hearing date on the parties' cross-motions for summary judgment would not change the date that any opposition or reply papers, with respect to the parties' cross-motions for summary judgment, are due to be filed with the Court.
- 9. For the foregoing reasons, the parties have shown good cause for the brief continuance of the hearing date on the parties' cross-motions for summary judgment. The parties respectfully request the Court enter an order continuing the hearing date on the parties' cross-motions for summary judgment one week.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 16th day of December 2014, in New York, NY.

/s/ Kelly M. Klaus KELLY M. KLAUS