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10 *Interim Lead Counsel for Plaintiffs and the [Proposed] Class*

11 **UNITED STATES DISTRICT COURT**
 12 **CENTRAL DISTRICT OF CALIFORNIA -**
 13 **WESTERN DIVISION**

14	GOOD MORNING TO YOU	)	Lead Case No. CV 13-04460-GHK (MRWx)
15	PRODUCTIONS CORP., <i>et al.</i> ,)	
16	Plaintiffs,	)	JOINT STIPULATION RE: (1)
17	v.	)	SHORTENED BRIEFING SCHEDULE
18		)	ON PLAINTIFFS' MOTION FOR
19	WARNER/CHAPPELL MUSIC,	)	LEAVE TO AMEND AND FILE FIFTH
20	INC., <i>et al.</i>	)	AMENDED COMPLAINT AND
21	Defendants.	)	(2) DEFENDANTS' RULE 12(b)
22		)	MOTION; DECLARATION OF BETSY
23		)	C. MANIFOLD IN SUPPORT
24		)	THEREOF; AND [PROPOSED] ORDER
25		)	GRANTING STIPULATION
26)	
27		)	Room: 650
28		)	Judge: Hon. George H. King, Chief Judge

1 WHEREAS, Plaintiffs¹ and Defendants² met and conferred but were unable to
2 agree on the terms of a stipulation for Plaintiffs' proposal to file a Fifth Amended
3 Complaint;

4 WHEREAS, contemporaneously with the filing of this Stipulation and
5 [Proposed] Order, Plaintiffs have filed a Motion for Leave to Amend and File Fifth
6 Amended Complaint, including as an exhibit thereto Plaintiffs' Proposed Fifth
7 Amended Complaint;

8 WHEREAS, Defendants intend to oppose Plaintiffs' Motion for Leave to
9 Amend and File Fifth Amended Complaint;

10 WHEREAS, the earliest Plaintiffs' Motion for Leave to Amend and File Fifth
11 Amended Complaint could be heard on regular notice is November 30, 2015;

12 WHEREAS, Plaintiffs have requested, and Defendants have agreed, to enter
13 into a Stipulation, and to request that the Court enter a [Proposed] Order, providing
14 for a shortened-time briefing schedule, and for the possibility of the Motion being
15 submitted for decision without a hearing, in the event the Court believes a hearing to
16 be unnecessary;

17 WHEREAS, Defendants previously made arguments in their Rule 12(b)(6)
18 Motion to Dismiss Plaintiffs' Second Consolidated Class Action Complaint that the
19 Court found unnecessary to address in its October 16, 2013 Order, Dkt. 71, but that
20 Defendants may wish to renew, along with such arguments as may be relevant
21 following the Court's ruling on Plaintiffs' Motion to Amend, by way of a new Rule
22 12(b) motion once the Court has ruled on Plaintiffs' Motion to Amend;

24 ¹ "Plaintiffs" collectively refers to Plaintiffs Good Morning To You Productions
25 Corp., Robert Siegel, Rupa Marya, and Majar Productions, LLC.

26 ² "Defendants" refers to Defendants Warner/Chappell Music, Inc. and Summy-
27 Birchard, Inc.
28

1 WHEREAS, Defendants reserve and do not waive the right to make any such
2 arguments by way of a Rule 12(b) motion, and the parties agree to set forth a due
3 date for briefing the Rule 12(b) motion following the Court's ruling on the motion to
4 amend;

5 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by
6 and between the parties, through the undersigned counsel, as follows:

7 1. Upon the Court's approval, the briefing schedule for Plaintiffs' Motion for
8 Leave to Amend and File Fifth Amended Complaint shall be as follows:

9 Motion: October 29, 2015 (already filed contemporaneously with
10 this Stipulation, including as an exhibit Plaintiffs' Proposed
11 Fifth Amended Complaint)

12 Opposition: November 9, 2015

13 Reply: November 12, 2015

14 2. The parties do not object to the submission of Plaintiffs' Motion for Leave
15 to Amend and File Fifth Amended Complaint without a hearing, unless of course the
16 Court would like to hold a hearing on the Motion, in which case the parties will
17 appear at such date and time as the Court directs.

18 3. Within 10 days of the Court's ruling on Plaintiffs' Motion for Leave to
19 Amend and File Fifth Amended Complaint, Defendants may file a Motion to Dismiss
20 the Fourth Amended Complaint or Fifth Amended Complaint (whichever may be the
21 operative complaint). Any such motion may raise arguments that Defendants raised
22 but that the Court did not rule on in its October 16, 2013 Order, Dkt. 71, or such
23 arguments as may be warranted following the Court's ruling on Plaintiffs' Motion for

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1 Leave to Amend and File Fifth Amended Complaint. Defendants shall notice any
2 such motion for hearing under the Local Rules. The parties agree that, in the
3 circumstances of the case, it would be appropriate for the Court to excuse the
4 requirements of Local Rule 7-3 for purposes of such Rule 12(b) motion.

5 **IT IS SO STIPULATED.**

6
7 Dated: October 29, 2015

Respectfully submitted,

**WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP**

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9 By: /s/ Betsy C. Manifold
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Attorneys for Plaintiffs

MUNGER TOLLES & OLSON LLP

Dated: October 29, 2015

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*Attorneys for Defendants Warner/Chappell
Music, Inc. and Summy-Birchard, Inc.*

1 **DECLARATION REGARDING CONCURRENCE**

2 I, Betsy C. Manifold, am the CM/ECF User whose identification and password
3 are being used to file this: **JOINT STIPULATION RE: (1) SHORTENED**
4 **BRIEFING SCHEDULE ON PLAINTIFFS' MOTION FOR LEAVE TO**
5 **AMEND AND FILE FIFTH AMENDED COMPLAINT AND**
6 **(2) DEFENDANTS' RULE 12(b) MOTION; DECLARATION OF BETSY C.**
7 **MANIFOLD IN SUPPORT THEREOF; AND [PROPOSED] ORDER**
8 **GRANTING STIPULATION.** In compliance with L.R. 5-4.3.4(a)(2)(i), I hereby
9 attest that Kelly M. Klaus has concurred in this filing's content and has authorized
10 its filing.

11 DATED: October 29, 2015

12 By: /s/ Betsy C. Manifold
13 BETSY C. MANIFOLD

1 I, Betsy C. Manifold, hereby declare as follows:

2 1. I am an attorney duly licensed to practice law in the States of California,
3 New York, and Wisconsin, and before this Court. I am a partner with the law firm
4 Wolf Haldenstein Adler Freeman & Herz LLP, interim lead class counsel for
5 plaintiffs and the class. I have personal knowledge of the following facts, and if
6 called upon to do so, I could and would competently testify as to them.

7 2. I submit this declaration in support of the Joint Stipulation re (1)
8 Shortened Briefing Schedule on Plaintiffs' Motion for Leave to Amend and File Fifth
9 Amended Complaint ("Plaintiffs' Motion") and (2) Defendants' Rule 12(b) Motion
10 ("Rule 12 Motion").

11 3. In light of the Court's directive at the October 19, 2015 status
12 conference to move this case ahead quickly, the parties are seeking to shorten the
13 briefing schedule and hearing date for Plaintiffs' Motion. The earliest Plaintiffs'
14 Motion could be heard on regular notice is November 30, 2015. The parties' joint
15 stipulation shortens the briefing schedule and contemplates that the Court may
16 choose to resolve Plaintiffs' Motion without a hearing.

17 4. The shortened briefing and hearing schedule for Plaintiffs' Motion also
18 provides a prompt filing deadline for Defendants' Rule 12 Motion (10 days from the
19 Court's ruling on Plaintiffs' Motion) and permits briefing to proceed on either the
20 Fourth or Fifth Amended Complaint depending on the Court's ruling.

21 4. In light of Defendants' intent to oppose Plaintiffs Motion for Leave to
22 Amend and File Fifth Amended Complaint, the parties met and conferred and agreed
23 to the following shortened briefing schedule in order to resolve this motion as soon
24 as practicable:

25 Motion: October 29, 2015 (already filed contemporaneously with
26 this Stipulation, including as an exhibit Plaintiffs' Proposed Fifth Amended
27 Complaint)

28 Opposition: November 9, 2015

1 Reply: November 12, 2015

2 6. Within 10 days of the Court's ruling on Plaintiffs' Motion, Defendants
3 may file a Rule 12 Motion. Defendants shall notice any such motion for hearing
4 under the Local Rules. Given the circumstances of the case, the parties believe it
5 would be appropriate to waive the requirements of Local Rule 7-3 for purposes of
6 such Rule 12(b) motion. The proposed schedule allows for expeditious and efficient
7 briefing by the parties and provides for a prompt resolution of both motions by the
8 Court.

9 5. For the foregoing reasons, Plaintiffs have shown good cause for this
10 matter to be heard on shortened time, and respectfully request the Court enter an
11 Order based on the parties proposed dates in their joint stipulation submitted
12 concurrently herewith.

13 I declare under penalty of perjury that the foregoing is true and correct.
14 Executed this 29th day of October 2015, in the City of San Diego, State of
15 California.

16 By: /s/ Betsy C. Manifold
17 Betsy C. Manifold
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