

1 FRANCIS M. GREGOREK (144785)  
 gregorek@whafh.com  
 2 BETSY C. MANIFOLD (182450)  
 manifold@whafh.com  
 3 RACHELE R. RICKERT (190634)  
 rickert@whafh.com  
 4 MARISA C. LIVESAY (223247)  
 livesay@whafh.com  
 5 WOLF HALDENSTEIN ADLER  
 FREEMAN & HERZ LLP  
 6 750 B Street, Suite 2770  
 7 San Diego, CA 92101  
 Telephone: 619/239-4599  
 8 Facsimile: 619/234-4599

9 Attorneys for Plaintiffs Good Morning to You  
 10 Productions Corp., Robert Siegel, and Rupa Marya

11 [Additional Counsel Appear on Signature Page]

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

16 RUPA MARYA, <i>et al.</i> ,	)	Lead Case No. CV 13-04460-GHK
	)	(MRWx)
17 Plaintiffs,	)	
	)	<b>STIPULATION CONSOLIDATING</b>
18 v.	)	<b>RELATED ACTIONS FOR ALL</b>
	)	<b>PURPOSES; AND COORDINATING</b>
19	)	<b>SCHEDULE FOR FILING OF AND</b>
20 WARNER/CHAPPELL MUSIC,	)	<b>RESPONSE TO CONSOLIDATED</b>
21 INC.,	)	<b>SECOND AMENDED COMPLAINT;</b>
	)	<b>DECLARATION OF BETSY C.</b>
22 Defendant.	)	<b>MANIFOLD IN SUPPORT</b>
	)	<b>THEREOF; AND [PROPOSED]</b>
23	)	<b>ORDER THEREON</b>
24	)	
25	)	
26	)	Room: 650 (Roybal)
27	)	Judge: Hon. George H. King, Chief Judge
	)	

28 [caption continued on following page]

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

MAJAR PRODUCTIONS, LLC, On )  
Behalf of Itself and All Others )  
Similarly Situated, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
WARNER/CHAPPELL MUSIC, )  
INC.; SUMMY-BIRCHARD, INC., )  
 )  
Defendants. )

Case No. CV 13-05164-GJK (MRWx)  
  
  
  
  
  
  
  
Room: 650 (Roybal)  
Judge: Hon. George H. King, Chief Judge

1 WHEREAS, upon the stipulation of the parties to the following related  
2 actions, *Siegel v. Warner/Chappell Music, Inc.*, Case No. CV 13-04418-GHK  
3 (MRWx), filed June 19, 2013, and *Marya v. Warner/Chappell Music, Inc.*, Case No.  
4 CV 13-04460 GHK (MRW) (the “Lead Case”), filed June 20, 2013, these actions  
5 were consolidated by Order of the Court entered July 16, 2013 [ECF No. 17] (the  
6 “Consolidation Order”) for all purposes (the “Consolidated Action”); and

7 WHEREAS pursuant to the Consolidation Order, Plaintiffs Good Morning To  
8 You Productions Corp. (“GMTY”), Robert Siegel (“Siegel”), and Rupa Marya  
9 (“Marya”), filed with the Court a Consolidated First Amended Class Action  
10 Complaint against Defendant Warner/Chappell Music, Inc. (“Warner/Chappell”), on  
11 or about July 26, 2013 [ECF No. 29]; and

12 WHEREAS, on July 17, 2013, Plaintiff Majar Productions, LLC (“Majar”)   
13 commenced an action entitled *Majar Productions, LLC, v. Warner/Chappell Music,*  
14 *Inc., et al.*, Case No. CV 13-05164-GHK (MRWx) (the “*Majar Action*”) against  
15 defendants Warner/Chappell and Summy-Birchard, Inc., (“Summy”), that has been  
16 deemed related to the Consolidated Actions and subsequently reassigned for all  
17 purposes to the Honorable George H. King, Chief Judge, as of July 22, 2013 [*Majar*  
18 *Action* ECF No. 5]; and

19 WHEREAS the Consolidated Action and the *Majar Action* (collectively  
20 referred to as the “Related Actions”) involve substantially similar questions of law  
21 and allegations against defendant Warner/Chappell and/or Summy; and

22 WHEREAS, plaintiffs GMTY, Siegel, Marya, and Majar (collectively  
23 “Plaintiffs”) and defendants Warner/Chappell and Summy (collectively  
24 “Defendants”) have agreed that consolidation of the Related Actions is appropriate  
25 under Federal Rules of Civil Procedure 42(a) in that consolidation would save time  
26 and effort by avoiding unnecessary costs, inconvenience, and delay; provided that  
27 nothing in this stipulation or proposed order shall be construed to indicate  
28 Defendants’ agreement that class certification is appropriate for either of the Related

1 Actions, for the proposed consolidated class action, or for any other subsequently  
2 related action; and

3 WHEREAS, the Plaintiffs and Defendants have agreed that Plaintiff Majar  
4 Productions, LLC shall be added as a named party plaintiff and Defendant Summy  
5 shall be added as a named party defendant to the Consolidated Action; Plaintiffs  
6 shall, within two (2) days of the filing of this stipulation, hand-serve or  
7 electronically deliver to Defendants' counsel a Consolidated Second Amended Class  
8 Action Complaint, solely to conform the allegations and claims in the Consolidated  
9 First Amended Class Action Complaint and the complaint in the *Majar* Action to  
10 each other, as provided by this stipulation ("Consolidated Second Amended Class  
11 Action Complaint"); and Plaintiffs shall, within two (2) days of the entry of the  
12 Order on this stipulation, file the Consolidated Second Amended Class Action  
13 Complaint; and

14 WHEREAS, the parties have agreed that, because the Consolidated Second  
15 Amended Class Action Complaint will not make any substantive changes to the  
16 allegations or claims as previously filed in the Consolidated First Amended Class  
17 Action Complaint or the complaint in the *Majar* Action, the schedule established by  
18 the Court's Consolidation Order for Defendant Warner/Chappell's response to the  
19 Consolidated Complaint shall remain unchanged, and that Defendants  
20 Warner/Chappell and Summy shall respond to the Consolidated Second Amended  
21 Class Action Complaint on or before August 30, 2013. The parties shall follow all  
22 additional briefing schedules pursuant to the applicable Local Rules and/or Orders  
23 of the Court; and

24 **NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED,**  
25 by and between the undersigned counsel, as follows:

26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CONSOLIDATION OF RELATED ACTIONS**

1. Pursuant to Federal Rules of Civil Procedure 42(a), the following cases shall be consolidated for all purposes to the Lead Case:

<b>Abbreviated Case Name</b>	<b>Case Number</b>	<b>Date Filed</b>
<i>Good Morning to You Productions Corp., et al. v. Warner/Chappell Music, Inc.</i>	CV 13-04460 GHK (MRW)	July 26, 2013
<i>Majar Productions, LLC. v. Warner/Chappell Music, Inc., et al.</i>	CV 13-05164 GHK (MRW)	July 17, 2013

2. That the docket and caption for the Consolidated Second Amended Class Action Complaint (and all further filings in this Docket) shall be:

GOOD MORNING TO YOU	)	Lead Case No. CV 13-04460-GHK
PRODUCTIONS CORP.; ROBERT	)	(MRWx)
SIEGEL; RUPA MARYA; MAJAR	)	
PRODUCTIONS, LLC; On Behalf of	)	[DOCUMENT TITLE]
Themselves and All Others Similarly	)	
Situated,	)	Room: 650 (Roybal)
	)	Judge: Hon. George H. King, Chief Judge
Plaintiffs,	)	
	)	
v.	)	
	)	
WARNER/CHAPPELL MUSIC,	)	
INC., and SUMMY-BICHARD,	)	
INC.,	)	
	)	
Defendants.	)	
	)	

1           3.     Plaintiffs shall, within two (2) days of the filing of this stipulation,  
2 hand-serve or electronically deliver to Defendants' counsel a Consolidated Second  
3 Amended Class Action Complaint, solely to conform the allegations and claims in  
4 the Consolidated First Amended Class Action Complaint and the complaint in the  
5 *Majar* Action to each other, as provided by this stipulation; and Plaintiffs shall,  
6 within two (2) days of the entry of the Order on this stipulation, file the  
7 Consolidated Second Amended Class Action Complaint, unless otherwise ordered  
8 by the Court.

9           4.     Provided that the Court enters the [Proposed] Order on this stipulation  
10 without change to the timing of the filing or content of the Consolidated Second  
11 Amended Class Action Complaint, Defendants will respond to the Consolidated  
12 Second Amended Class Action Complaint on or before August 30, 2013.

13           5.     The parties shall follow the briefing schedule on any motion in  
14 response to the Consolidated Second Amended Class Action Complaint in  
15 accordance with the Local Rules and the Court's Consolidation Order.

16           6.     Nothing in Defendant's agreement to consolidation under Fed. R. Civ.  
17 P. 42(a) shall be construed to indicate Defendant's agreement that class certification  
18 is appropriate for either of the Related Actions, for the proposed consolidated class  
19 action, or for any other related action.

20  
21 Dated: August 14, 2013

WOLF HALDENSTEIN ADLER  
FREEMAN & HERZ LLP  
FRANCIS M. GREGOREK  
BETSY C. MANIFOLD  
RACHELE R. RICKERT  
MARISA C. LIVESAY

22  
23  
24  
25  
26 By:           /s/ Betsy C. Manifold            
BETSY C. MANIFOLD

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

750 B Street, Suite 2770  
San Diego, CA 92101  
Telephone: 619/239-4599  
Facsimile: 619/234-4599  
gregorek@whafh.com  
manifold@whafh.com  
rickert@whafh.com  
livesay@whafh.com

**WOLF HALDENSTEIN ADLER  
FREEMAN & HERZ LLP  
MARK C. RIFKIN  
JANINE POLLACK  
BETH A. LANDES  
GITI BAGHBAN**  
270 Madison Avenue  
New York, NY 10016  
Telephone: 212/545-4600  
Facsimile: 212/545-4753  
rifkin@whafh.com  
pollack@whafh.com  
landes@whafh.com  
baghban@whafh.com

**DONAHUE GALLAGHER  
WOODS LLP  
WILLIAM R. HILL  
ANDREW S. MACKAY  
DANIEL J. SCHACHT**  
1999 Harrison Street, 25<sup>th</sup> Floor  
Oakland, CA 94612-3520  
Telephone: 510/451-0544  
Facsimile: 510/832-1486  
rock@donahue.com  
andrew@donahue.com  
daniel@donahue.com

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

RANDALL S. NEWMAN PC  
RANDALL S. NEWMAN (SBN 190547)

37 Wall Street, Penthouse D  
New York, NY 10005  
Telephone: 212/797-3737  
Facsimile: 212/797-3172  
rsn@randallnewman.net

*Attorneys for Plaintiffs Good Morning To  
You Productions Corp., Robert Siegel, and  
Rupa Marya*

Dated: August 14, 2013

GLANCY BINKOW & GOLDBERG, LLP

By:           /s/ Lionel Z. Glancy            
LIONEL Z. GLANCY

1925 Century Park East, Suite 2100  
Los Angeles, CA 90067  
Telephone: 310/201-9150  
Facsimile: 310/201-9160  
info@glancylaw.com

*Attorneys for Plaintiff Majar Productions,  
LLC*

Dated: August 14, 2013

MUNGER TOLLES & OLSON LLP

By:           /s/ Glenn D. Pomerantz            
GLENN D. POMERANTZ

355 South Grand Avenue, 35<sup>th</sup> Floor  
Los Angeles, CA 90071  
Telephone: 213/683-9100  
Facsimile: 213/687-3702  
glenn.pomerantz@mto.com

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



**DECLARATION REGARDING CONCURRENCE**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

I, Betsy C. Manifold, am the ECF User whose identification and password are being used to file this STIPULATION CONSOLIDATING CASES FOR ALL PURPOSES AND SETTING SCHEDULE FOR FILING OF CONSOLIDATED COMPLAINT. In compliance with L.R. 5-4.34, I hereby attest that Lionel Z. Glancy and Glenn D. Pomerantz have concurred in this filing.

DATED: August 14, 2013

WOLF HALDENSTEIN ADLER  
FREEMAN & HERZ LLP

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