

1 MORRISON & FOERSTER LLP  
 2 JACQUELINE C. CHARLESWORTH (*pro hac vice*)  
 JCharlesworth@mof.com  
 3 CRAIG B. WHITNEY (CA SBN 217673)  
 CWhitney@mof.com  
 4 1290 Avenue of the Americas  
 New York, New York 10104  
 Telephone: 212.468.8000  
 5 Facsimile: 212.468.7900

6 PAUL GOLDSTEIN (CA SBN 79613)  
 PGoldstein@mof.com  
 7 559 Nathan Abbott Way  
 Stanford, California 94305-8610  
 Telephone: 650.723.0313  
 8 Facsimile: 650.327.0811

9 Attorneys for Plaintiffs

10 ONE LLP  
 11 CHRISTOPHER W. ARLEDGE (CA SBN 200767)  
 CArledge@onellp.com  
 12 JOHN TEHRANIAN (CA SBN 211616)  
 JTehranian@onellp.com  
 13 4000 MacArthur Blvd.  
 West Tower, Suite 1100  
 14 Newport Beach, California 92660  
 Telephone: 949.502.2870  
 15 Facsimile: 949.258.5081

16 Attorneys for Defendants

17 **UNITED STATES DISTRICT COURT**  
 18 **CENTRAL DISTRICT OF CALIFORNIA**

19 DON HENLEY, MIKE CAMPBELL  
 and DANNY KORTCHMAR,

20 Plaintiffs,

21 v.

22 CHARLES S. DEVORE and  
 23 JUSTIN HART,

24 Defendants.

Case No. SACV09-0481 JVS (RNBx)

**STIPULATION REGARDING  
 EXTENSION OF TIME TO REOPEN  
 CASE**

1           WHEREAS, on July 12, 2010, having been notified that the parties had reached a  
2 settlement in principle of this action, the Court dismissed the action in its entirety  
3 without prejudice to the right, upon good cause being shown within forty-five (45) days,  
4 to reopen the action if the settlement was not consummated;

5           WHEREAS, because, under the terms of the settlement in principle, Defendants  
6 had sixty (60) days from execution to pay the full amount due under the settlement  
7 agreement (“full settlement amount”), the Court, upon stipulation of the parties, issued a  
8 further order on July 16, 2010, which provides that upon good cause being shown, the  
9 parties have ninety (90) days from the date of that order – *i.e.*, until October 14, 2010 –  
10 to reopen the action if the settlement is not finalized and the full settlement amount is  
11 not paid;

12           WHEREAS, the settlement agreement was fully executed as of August 4, 2010,  
13 and the full settlement amount was due no later than October 3, 2010;

14           WHEREAS, to date, the full settlement amount has not been paid, and  
15 Defendants have advised Plaintiffs that they seek additional time for payment; and

16           WHEREAS, as an alternative to reopening the action at this time, Plaintiffs are  
17 willing to allow Defendants an extension of time to pay the full settlement amount,  
18 according to such terms as the parties may agree, provided that Plaintiffs have the right  
19 to reopen the action within ninety (90) days if the full settlement amount (including any  
20 applicable interest, attorneys’ fees and costs) is not paid;

21           NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the  
22 parties, through their undersigned counsel of record, and subject to the Court’s approval,  
23 that the parties have the right to reopen the action within ninety (90) days if the full  
24 settlement amount is not paid, or for other good cause shown.

1 Dated: October 8, 2010

MORRISON & FOERSTER LLP  
Jacqueline C. Charlesworth  
Craig B. Whitney  
Paul Goldstein

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4  
5 By: /s/ Jacqueline C. Charlesworth  
Jacqueline C. Charlesworth

6 Attorneys for Plaintiffs  
7 DON HENLEY, MIKE CAMPBELL and  
DANNY KORTCHMAR

8 Dated: October 8, 2010

9 ONE LLP  
Christopher W. Arledge  
Peter Afrasiabi  
10 John Tehranian

11  
12 By: /s/ Christopher W. Arledge  
13 Christopher W. Arledge

14 Attorneys for Defendants  
15 CHARLES S. DEVORE and JUSTIN  
HART