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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)

**JOINT STIPULATION REGARDING
 SCHEDULING OF SETTLEMENT
 CONFERENCE**

1 WHEREAS, on July 28, 2009, the parties submitted their Joint Report Pursuant to
2 Fed. R. Civ. P. 26(f), which provides, pursuant to Local Civil Rule 16-15.4, that the
3 parties have agreed to appear before the Magistrate Judge assigned to this case for a
4 settlement conference;

5 WHEREAS, on May 25, 2010, the Court ordered the parties to file all necessary
6 documents and complete the settlement conference no later than thirty (30) days
7 following entry of the Court's order deciding the parties' summary judgment motions,
8 subject to the availability of the Magistrate Judge and any further order of the Court;

9 WHEREAS, on June 11, 2010, the Court entered its order on the parties'
10 summary judgment motions, granting Plaintiffs' motion for summary judgment on the
11 issue of copyright infringement, granting Defendants' motion for summary judgment on
12 the issue of liability under the Lanham Act, and denying both parties' motions for
13 summary adjudication on the issue of whether the copyright infringement was willful;

14 WHEREAS a jury trial to determine whether Defendants' copyright infringement
15 was willful and the amount of damages to be awarded in connection with the copyright
16 infringement is scheduled to commence on August 3, 2010;

17 WHEREAS, pursuant to the Court's May 25, 2010 Order, the settlement
18 conference must be completed no later than July 9, 2010;

19 WHEREAS, on June 17, 2010, the parties jointly contacted the Magistrate
20 Judge's Deputy Clerk to request that a settlement conference be scheduled for July 8,
21 2010;

22 WHEREAS, on June 18, 2010, the Magistrate Judge's Deputy Clerk confirmed
23 the availability of the requested date, and notified the parties to submit such request in
24 writing, including an alternate requested date for the conference;

25 WHEREAS, the Magistrate Judge's Deputy Clerk further informed the parties
26 that if any participant was planning to request to be available at the conference by
27 telephone rather than in person, as set forth in paragraph 7 of the Court's Order Re
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1 Settlement Conference, then the parties should include such request in writing when
2 scheduling the conference;

3 WHEREAS, Plaintiff Don Henley has full authority to settle and resolve this case
4 on behalf of himself and his co-Plaintiffs, Mike Campbell and Danny Kortchmar (who
5 are not authorized to settle without Henley's consent);

6 WHEREAS, Henley resides outside the District, in Dallas, Texas;

7 WHEREAS, Henley will have just completed several months of touring with his
8 band, the Eagles, at the time of anticipated settlement conference, and needs to attend to
9 various personal matters at home with respect to his wife, who suffers from a chronic
10 illness, and their three school-aged children;

11 WHEREAS, Henley is fully prepared to be accessible by telephone during the
12 entire settlement conference;

13 WHEREAS, Defendant Chuck DeVore is a member of the California Assembly
14 and expects to be in session on July 7 and 8;

15 WHEREAS, Defendant Justin Hart resides in Virginia and will be unable to
16 attend in person; and

17 WHEREAS, both Defendants will be available by telephone during the settlement
18 conference;

19 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by the
20 parties, through their undersigned counsel of record, that:

21 1. The parties hereby request, pursuant to Local Rule 16-15.4 and the Court's
22 orders referenced above, that the parties appear for a settlement conference before the
23 Magistrate Judge on Thursday, July 8, 2010 at 9:30 a.m.;

24 2. Alternatively, if the Magistrate Judge is unavailable on July 8, the parties
25 request to appear for a settlement conference before the Magistrate Judge on
26 Wednesday, July 7, 2010 at 9:30 a.m.;

1 3. Pursuant to paragraph 7 of the Court's Order Re Settlement Conference,
2 Plaintiff Henley, who resides outside the District, requests to be excused from personal
3 attendance at the settlement conference, for the reasons set forth above. He will be
4 available by telephone for the duration of the conference, and his counsel will
5 personally attend the conference with full authority to act on his behalf; and

6 4. Pursuant to paragraph 7 of the Court's Order Re Settlement Conference,
7 Defendant Hart, who resides outside the District, and Defendant DeVore, who expects
8 to be in session with the California Assembly, request to be excused from personal
9 attendance at the settlement conference, for the reasons set forth above. Both
10 Defendants will be available by telephone for the duration of the conference, and their
11 counsel will personally attend the conference with full authority to act on their behalves.

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13 Dated: June 21, 2010

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17 By: /s/ Jacqueline C. Charlesworth
Jacqueline C. Charlesworth

18 Attorneys for Plaintiffs
19 DON HENLEY, MIKE CAMPBELL and
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20 Dated: June 21, 2010

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