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13
14 **UNITED STATES DISTRICT COURT**
15 **EASTERN DISTRICT OF CALIFORNIA**

16 BROADCAST MUSIC, INC.; EMI VIRGIN
17 SONGS INC.; LANEY JANE MUSIC;
DIXONYOU MUSIC; ERIK TURNER MUSIC;
18 GREAT LIPS MUSIC; UNIVERSAL – SONGS
OF POLYGRAM INTERNATIONAL, INC.;
19 PWMP ACQUISITION I LLC d/b/a PRIMARY
WAVE BRIAN; HOT-CHA MUSIC CO.;
20 CYANIDE PUBLISHING; DEVO, INC. d/b/a
21 DEVO MUSIC; EMI VIRGIN SONGS, INC.;
PAUL SIMON MUSIC,

22 Plaintiffs,

23 v.

24 ON THE ROCKS BAR & GRILL, LLC d/b/a ON
25 THE ROCKS BAR & GRILL, JAMES C.
WHITENER, MARIA D. GONZALEZ-
26 HERNANDEZ, RIVERWALK MANAGEMENT
27 GROUP, LLC, AND THE WHITENER FAMILY
TRUST, each individually,

28 Defendants.

Case No. 1:14-cv-00359-AWI-JLT

**STIPULATION AND ORDER TO
EXTEND DEADLINE TO FILE
REQUEST FOR DISMISSAL**

Complaint Filed: 3/13/14

1 TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:
2 Plaintiffs, BROADCAST MUSIC, INC.; EMI VIRGIN SONGS INC.; LANEY JANE
3 MUSIC; DIXONYOU MUSIC; ERIK TURNER MUSIC; GREAT LIPS MUSIC; UNIVERSAL
4 – SONGS OF POLYGRAM INTERNATIONAL, INC.; PWMP ACQUISITION I LLC d/b/a
5 PRIMARY WAVE BRIAN; HOT-CHA MUSIC CO.; CYANIDE PUBLISHING; DEVO, INC.
6 d/b/a DEVO MUSIC; EMI VIRGIN SONGS, INC.; PAUL SIMON MUSIC (collectively,
7 “Plaintiffs”), and Defendants ON THE ROCKS BAR & GRILL, LLC d/b/a ON THE ROCKS
8 BAR & GRILL, JAMES C. WHITENER, MARIA D. GONZALEZ-HERNANDEZ,
9 RIVERWALK MANAGEMENT GROUP, LLC, AND THE WHITENER FAMILY TRUST,
10 (collectively, “Defendants”), by and through their respective counsel of record, submit this joint
11 stipulation.

12 *RECITALS*

13 WHEREAS, on or about March 13, 2014, Plaintiffs filed their Complaint in the Eastern
14 District of California, entitled *Broadcast Music, Inc., et al. v. On the Rocks Bar & Grill, LLC, et*
15 *al.*, as United States District Court Eastern District of California Case No. 1:14-cv-00359 (the
16 “BMI Action”);

17 WHEREAS, on or about October 6, 2014, the parties filed a Notice of Settlement.

18 WHEREAS, on or about October 7, 2014, the Court issued an order that a stipulation re
19 dismissal shall be filed no later than November 21, 2014. If not received, the Court may dismiss
20 the matter on its own authority.

21 WHEREAS, Plaintiffs and Defendants have exchanged written settlement documents and
22 are in the process of revising the documents and obtaining client signatures. However, due to the
23 number of parties involved, counsel is requesting additional time to finalize the settlement
24 agreement and file the stipulation re dismissal with the Court.

25 *STIPULATION*

26 NOW, THEREFORE, Plaintiffs and Defendants, by and through their respective counsel
27 of record, hereby stipulate as follows: The parties hereby stipulate and agree to file a stipulation
28 re dismissal on or before December 12, 2014.

