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12 UNITED STATES DISTRICT COURT
 13 FOR THE EASTERN DISTRICT OF CALIFORNIA
 14

15 DIGITAL SOFTWARE SERVICES, INC.,) Case No. 2:09-cv-02763-MCE-DAD
 16 Plaintiff,) The Honorable Morrison C. England, Jr.

17 v.)

18 ENTERTAINMENT PROGRAMS, INC., a) **STIPULATION TO EXTEND**
 California corporation; JOSEPH A. PERSHES,) **DEFENDANT ENTERTAINMENT**
 19 individually and as owner of) **PROGRAMS' TIME TO RESPOND TO**
 ENTERTAINMENT PROGRAMS, INC.;) **DEFENDANT C.D. VIDEO**
 20 KOCH ENTERTAINMENT DISTRIBUTION;) **MANUFACTURING, INC.'S CROSS-**
 LLC, a Delaware limited liability company;) **CLAIM; ORDER**
 21 INGRAM ENTERTAINMENT, INC., a)
 Tennessee corporation; CD VIDEO)
 22 MANUFACTURING, INC., a California)
 corporation; and L&M OPTICAL DISC)
 23 WEST, LLC, a California limited liability)
 company,)

Complaint filed: October 5, 2009

24 Defendants.)
25)
26)
27)
28)

1 Defendant and Cross-Defendant Entertainment Programs, Inc. (“EPI”) and
2 Defendant and Cross-Claimant C.D. Video Manufacturing, Inc. (“C.D. Video”), stipulate as
3 follows:

4 Whereas, Plaintiff filed its Complaint on October 5, 2009;

5 Whereas, on December 4, 2009, EPI filed a petition to compel arbitration and
6 motion to stay the proceedings pending arbitration;

7 Whereas, on December 4, 2009, C.D. Video filed an answer to the Complaint that
8 included a cross-claim against EPI;

9 Whereas, the pending petition to compel arbitration and motion to stay the
10 proceedings may result in a stay of the proceedings and potentially, a dismissal of Plaintiff’s
11 claims which would directly bear upon EPI’s response, including if one is necessary, to C.D.
12 Video’s cross-claim and;

13 Whereas, the parties have agreed to extend EPI’s time to respond to C.D. Video’s
14 cross-claim until ten days after this Court issues a ruling on the pending petition to compel
15 arbitration and motion to stay the proceedings.

16 Now, therefore, the parties enter into the following stipulation:

17 **STIPULATION**

18 The parties, by and through their respective attorneys, stipulate and agree as
19 follows:

20 Defendant and Cross-Defendant Entertainment Programs, Inc.’s time to respond
21 to Defendant and Cross-Claimant C.D. Video Manufacturing, Inc.’s cross-claim is extended until
22 ten days after this Court issues a ruling on the pending petition to compel arbitration and motion
23 to stay the proceedings.

24
25 Dated: December 21, 2009

MENNEMEIER, GLASSMAN & STROUD LLP

26 /s/ Andrew W. Stroud
27 Andrew W. Stroud, Attorneys for Entertainment
28 Programs, Inc.

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Dated: December 21, 2009

KNOBBE, MARTENS, OLSON & BEAR, LLP

/s/ Lauren Keller Katzenellenbogen
Lauren Keller Katzenellenbogen, Attorneys for C.D.
Video Manufacturing, Inc.

IT IS SO ORDERED.

Dated: December 23, 2009



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE