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 11 BRAVE NEW FILMS 501(c)(4)

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14 Attorney for Defendants  
 15 MICHAEL WEINER aka MICHAEL SAVAGE, and  
 ORIGINAL TALK RADIO NETWORK, INC.  
 16

17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA  
 19 SAN FRANCISCO DIVISION

20  
 21 BRAVE NEW FILMS 501(C)(4),

22 Plaintiff,  
 23 v.

24 MICHAEL WEINER aka MICHAEL SAVAGE,  
 and ORIGINAL TALK RADIO NETWORK,  
 INC.,

25 Defendants.  
 26

No. CV 08-04703 SI

STIPULATION AND [PROPOSED]  
 ORDER TO CONTINUE HEARING

Date: April 3, 2009  
 Time: 9:00 a.m.  
 Location: Courtroom 10  
 Honorable Susan Illston

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CV 08-04703 SI

STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING

1 Pursuant Civil L.R. 6-1(a) and Civil L.R. 7-7(a), the parties stipulate to the  
2 following:

3 WHEREAS, on October 10, 2008, this action for declaratory judgment and  
4 damages was commenced in the United States District Court, Northern District of California;

5 WHEREAS, on February 27, 2009, Defendant The Original Talk Radio Network,  
6 Inc. (“OTRN”) filed a Motion for Summary Judgment, Docket Number 43, and Plaintiff Brave  
7 New Films 501(c)(4) (“Brave New Films”) filed a Motion for Partial Summary Judgment,  
8 Docket Number 40;

9 WHEREAS, the hearings on OTRN’s Motion for Summary Judgment and Brave  
10 New Films’ Motion for Partial Summary Judgment are calendared for April 3, 2009;

11 WHEREAS, for efficiency, the parties have agreed to continue the hearings in  
12 order to take desired discovery in connection with the motions;

13 WHEREAS, the parties have agreed to set a new briefing schedule and hearing  
14 date for the summary judgment motions once a discovery timeline is agreed upon;

15 WHEREAS, the parties have not previously stipulated to continue the hearings.

16 NOW THEREFORE, it is STIPULATED, AGREED AND ORDERED as  
17 follows:

18 The hearings on Defendant The Original Talk Radio Network, Inc.’s Motion for  
19 Summary Judgment and Plaintiff Brave New Films’ Motion for Partial Summary Judgment will  
20 be continued to such a date as the parties will agree and at a time to be determined by the Court.

21 The hearing on Michael Weiner aka Michael Savage’s Motion to Dismiss and the  
22 Case Management Conference will remain on April 3, 2009 as previously ordered.

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DATED: March 12, 2009

Bingham McCutchen LLP

By:           /s/ William F. Abrams            
William F. Abrams  
Attorneys for Plaintiff  
BRAVE NEW FILMS

DATED: March 12, 2009

By:           /s/ Benjamin Aaron Shapiro            
Benjamin Aaron Shapiro  
Attorneys for Defendant  
Michael Weiner aka Michael Savage and  
Original Talk Radio Network, Inc.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
THE HONORABLE SUSAN ILLSTON  
UNITED STATES DISTRICT JUDGE

1 **CERTIFICATION BY SHEILA M. PIERCE PURSUANT TO GENERAL ORDER NO.**  
2 **45, SECTION X. RE E-FILING ON BEHALF OF MULTIPLE SIGNATORIES**

3 1. I am a lawyer licensed to practice law in the State of California, and am an  
4 associate in the law firm of Bingham McCutchen LLP, counsel for Plaintiff Brave New Films  
5 501(c)(4). The statements herein are made on my personal knowledge, and if called as a witness  
6 I could and would testify thereto.

7 2. The above e-filed document contains multiple signatures. I declare that  
8 concurrence has been obtained from each of the other signatories to file this jointly prepared  
9 document with the Court. Pursuant to General Rule No. 45, I shall maintain records to support  
10 this concurrence for subsequent production for the Court if so ordered, or for inspection upon  
11 request by a party until one year after final resolution of the action (including appeal, if any).

12 I declare under penalty of perjury under the laws of the United States of America and the  
13 State of California that the foregoing is true and correct on March 12, 2009 in East Palo Alto,  
14 California.

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16 /s/ Sheila M. Pierce  
17 Sheila M. Pierce  
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