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Attorneys for Plaintiffs  
 13 Monte Morgan and F. Jason Vasquez

14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 SAN FRANCISCO DIVISION

17 MONTE MORGAN and F. JASON )  
 VASQUEZ, on behalf of themselves and all )  
 18 others similarly situated, )  
 )  
 19 Plaintiffs, )  
 )  
 20 vs. )  
 )  
 21 HARMONIX MUSIC SYSTEMS, INC., a )  
 corporation; MTV NETWORKS, a division of )  
 22 VIACOM INTERNATIONAL, INC., a )  
 corporation; ELECTRONIC ARTS, Inc., a )  
 23 corporation; BEST BUY CO., INC., a )  
 corporation; and DOES 1 Through 10, )  
 24 Defendants. )  
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Case No. CV 08 5211 BZ  
 Case assigned to Hon. Bernard Zimmerman  
  
**STIPULATION AND [PROPOSED]  
 ORDER TO EXTEND TIME FOR  
 DEFENDANT BEST BUY CO., INC. TO  
 RESPOND TO SECOND AMENDED  
 COMPLAINT**  
  
 Complaint Filed: November 18, 2008  
 Second Amended Complaint Filed:  
 August 14, 2008

1           WHEREAS Plaintiffs Monte Morgan and F. Jason Vasquez (“Plaintiffs”) filed a Second  
2 Amended Complaint (“Complaint”) in this action on August 14, 2009. The Complaint names Best  
3 Buy Co., Inc. (“Best Buy”) as a defendant, in addition to the existing defendants Harmonix Music  
4 Systems, Inc., MTV Networks, a division of Viacom International Inc., and Electronic Arts Inc.  
5 (collectively, “Defendants”).

6           WHEREAS the Summons and Complaint were served on Best Buy on August 20, 2009.  
7 Proof of service was filed with the Court on September 2, 2009.

8           WHEREAS the parties were engaged in a Court-ordered Settlement Conference on August  
9 31, 2009. The conference did not succeed in resolving any claims at this time.

10          WHEREAS counsel for parties agree that the time for defendant Best Buy to file a motion,  
11 answer, or otherwise respond to the Complaint shall be extended through close of business on  
12 September 25, 2009.

13          WHEREAS counsel for the parties intend to execute a stipulation setting the date for the  
14 remaining Defendants to respond to the Complaint also on September 25, 2009.

15          WHEREAS the extension will allow for a uniform response date to the Complaint, which  
16 the parties believe will serve the interests of judicial efficiency and conservation of resources.

17          IT IS HEREBY STIPULATED between the parties to this action, by and through their  
18 undersigned attorney, that:

19           1.       The time for Best Buy to file its response to the Complaint is extended through  
20 close of business on September 25, 2009. Following execution of this Stipulation, counsel for  
21 Defendants shall promptly file it with the Court.

22           2.       Nothing herein amounts to or shall be construed as a waiver by any Defendant of  
23 any right to move to dismiss the Complaint filed in this action on any applicable grounds,  
24 including without limitation, for lack of personal jurisdiction or that it is not a proper party to this  
25 action.

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1 Dated: September 8, 2009

IRELL & MANELLA LLP  
Richard B. Kendall  
Richard M. Simon

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5 By:           /s/ Richard M. Simon            
6 Richard M. Simon\*  
7 Attorneys for Defendants  
8 Harmonix Music Systems, Inc., Viacom  
International, Inc., Electronic Arts Inc. &  
Best Buy Co., Inc.

9 Dated: September 8, 2009

STRANGE & CARPENTER  
Brian R. Strange  
Gretchen A. Carpenter

10  
11  
12  
13 By:           /s/ Brian R. Strange            
14 Brian R. Strange  
Attorneys for Plaintiff  
Monte Morgan

15 \* I, Richard M. Simon, am the ECF user whose ID and password are being used to file this  
16 Stipulation and [Proposed Order]. In compliance with General Order 45.X.B, I hereby attest that  
17 Brian R. Strange has concurred with this filing.  
18  
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20 **[PROPOSED] ORDER**

21 Good cause appearing, IT IS HEREBY ORDERED that the time for defendant Best Buy  
22 Co., Inc. to move, answer, or otherwise respond to the Second Amended Complaint in this Action,  
23 Case No. CV 08-5211 BZ, is extended through September 25, 2009.  
24

25  
26 Dated:           September 8, 2009          

  
Hon. Bernard Zimmerman  
Magistrate Judge, United States District Court