

E-Filed 4/19/11

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27 **UNITED STATES DISTRICT COURT**
 28 **NORTHERN DISTRICT OF CALIFORNIA**

29 SUSAN MORA, as Trustee of The Merl Saunders
 30 Trust; MERL SAUNDERS, JR., as Trustee of The
 31 Merl Saunders Trust; and TONY SAUNDERS, as
 32 Trustee of The Merl Saunders Trust,

33 Plaintiffs,

34 v.

35 JERRY GARCIA ESTATE, LLC, a California
 36 limited liability company; JERRY GARCIA
 37 FAMILY, LLC, a California limited liability
 38 company; RHINO ENTERTAINMENT
 39 COMPANY, a Delaware corporation; WARNER

Case No: CV 08 5772 RS

**STIPULATION RE: CONTINUANCE OF
 CASE MANAGEMENT CONFERENCE;
 [PROPOSED] ORDER**

From:

Date: May 5, 2011

Time: 10:00 a.m.

Courtroom: 3

To:

Date: June 9, 2011

1 MUSIC GROUP CORP., a Delaware corporation;
2 WARNER STRATEGIC MARKETING, INC., a
3 Delaware corporation; DEBORAH KOONS-
4 GARCIA (sued as DOE 1), an individual;
5 DEBORAH KOONS-GARCIA (sued as DOE 2)
6 and DAVID HELLMAN (sued as DOE 3) and
7 DOES 5 through 10, as Trustees of the KEELIN
8 GARCIA TESTAMENTARY TRUST (sued as
9 DOE 4); and DOES 11 through 1000, inclusive,
10
11 Defendants.

Time: 10:00 a.m.

Courtroom: 3

Honorable Richard Seeborg, Presiding

[E-FILING]

8 This Stipulation is entered into by and between SUSAN MORA, as Trustee of The Merl
9 Saunders Trust; MERL SAUNDERS, JR., as Trustee of The Merl Saunders Trust; and ANTHONY
10 SAUNDERS WASHINGTON, as Trustee of The Merl Saunders Trust (collectively "Plaintiffs"), on the
11 one hand, and JERRY GARCIA FAMILY, LLC, a California limited liability company (the "Family
12 LLC"); KEELIN GARCIA, as successor to the KEELIN GARCIA TESTAMENTARY TRUST ("K.
13 Garcia"); and DEBORAH KOONS-GARCIA, an individual ("D. Garcia"), on the other hand. The
14 Family LLC, K. Garcia and D. Garcia may be collectively referred to herein as "Defendants." Plaintiffs
15 and Defendant may be referred to herein severally as a "Party" or jointly as the "Parties."

16 This Stipulation is made with reference to the following recitals:

17 WHEREAS, Plaintiffs, the Family LLC, K. Garcia and other members of the Family LLC, as
18 well as Jerry Garcia Estate, LLC, have agreed to the substantive terms of settlement and are actively
19 negotiating the memorialization thereof, and if the settlement is completed, Plaintiffs' claims against
20 Defendants Rhino Entertainment Company, Warner Music Group Corp. and Warner Strategic
21 Marketing, Inc. (the "Warner Parties"), each of which has been served, will be resolved as well; and

22 WHEREAS, Defendants (as defined above) have each appeared in this matter; and

23 WHEREAS, no trial date has been set in this matter; and

24 WHEREAS, the Court has scheduled a case management conference in this matter for May 5,
25 2011 at 10:00 a.m.; and

26 WHEREAS, based on a May 5, 2011 case management conference date, the last date to meet and
27 confer pursuant to Rule 26(f) of the Federal Rules of Civil Procedure would be April 14, 2011; and
28

1 WHEREAS, based on a May 5, 2011 case management conference date, the last date to
2 exchange initial disclosures pursuant to Rule 26(a) of the Federal Rules of Civil Procedure would be
3 April 21, 2011; and

4 WHEREAS, based on a May 5, 2011 case management conference date, the last date for the
5 Parties to file a joint case management conference statement would be April 28, 2011; and

6 WHEREAS, the Family LLC and K. Garcia, the other members of the Family LLC, the Jerry
7 Garcia Estate LLC and the Warner Parties seek to limit the costs associated with litigation of this action
8 pending settlement with Plaintiffs; and

9 WHEREAS, without a continuance of the case management conference and dates related thereto,
10 the settling parties will have to participate in meet and confer on Rule 26(f) matters, exchange initial
11 disclosures and prepare a joint case management conference statement; and

12 WHEREAS, the sole non-settling party, D. Garcia, will stipulate to continue these dates; and

13 WHEREAS, Rule 6-1(b) of the Civil Local Rules of the United States District Court, Northern
14 District of California, requires the parties to obtain a court order for any enlargement or shortening of
15 time that alters an event or deadline already fixed by Court order; and

16 WHEREAS, the Parties who have appeared jointly request that the case management conference
17 currently scheduled for May 5, 2011 at 10:00 a.m. be continued to June 9, 2011 at 10:00 a.m., or as soon
18 thereafter as is convenient for the Court, with all related dates adjusted accordingly; and

19 WHEREAS, the Parties believe that the requested time modifications would have no substantial
20 effect on the schedule for this case; and

21 WHEREAS, the continuance requested herein would allow Plaintiffs, the Family LLC, K.
22 Garcia, the other members of the Family LLC, Jerry Garcia Estate LLC and the Warner Parties further
23 time to negotiate the memorialization of their settlement and would encourage completion of a
24 settlement between Plaintiffs and these parties; and

25 WHEREAS, the Parties agree that Plaintiffs shall file this Stipulation with the Court for an order
26 thereon;

27 NOW THEREFORE, subject to approval of the Court, Plaintiffs and the appearing Defendants,
28 by and through their respective undersigned counsel, hereby stipulate as follows:

1 1.0 The foregoing recitals are hereby incorporated by this reference.

2 2.0 The case management conference currently scheduled for May 5, 2011 at 10:00 a.m. shall
3 be continued June 9, 2011 at 10:00 a.m., or as soon thereafter as is convenient for the
4 Court, with all related dates adjusted accordingly.

5 3.0 Plaintiffs shall file this Stipulation with the Court for an order thereon.

6 IDELL & SEITEL, LLP

7 Dated: April 18, 2011

8 By: /s/ Richard J. Idell
9 Richard J. Idell
Ory Sandel
10 *Attorneys for Plaintiffs*

11 DONAHUE GALLAGHER WOODS LLP

12 Dated: April 18, 2011

13 By: /s/ Lawrence K. Rockwell
14 Eric Doney
Lawrence K. Rockwell
Eric A. Handler
15 *Attorneys for Defendant Jerry Garcia Family LLC and
Keelin Garcia, as successor to Defendant Keelin Garcia
Testamentary Trust*

16 COBLENZ, PATCH, DUFFY & BASS LLP

17 Dated: April 18, 2011

18 By: /s/ Jonathan Bass
19 Jonathan Bass
Attorneys for Defendant Deborah Koons-Garcia

20 **ATTESTATION OF CONCURRENCE**

21 I, Richard J. Idell, as the ECF user and filer of this document, attest that, pursuant to General
22 Order No. 45(X)(B), concurrence in the filing of this document has been obtained from Jonathan Bass
23 and Lawrence K. Rockwell, the above signatories.

24 IDELL & SEITEL, LLP

25 Dated: April 18, 2011

26 By: /s/ Richard J. Idell
27 Richard J. Idell
Ory Sandel
28 *Attorneys for Plaintiffs*

PROPOSED ORDER

Pursuant to the foregoing Stipulation, IT IS HEREBY ORDERED that the case management conference currently scheduled for currently scheduled for May 5, 2011 at 10:00 a.m. shall be continued to June 9, 2011 at 10:00 a.m. / ~~p.m.~~, with all related dates adjusted accordingly.

Dated: 4/18/11



HONORABLE RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE