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6 Attorneys for Plaintiff  
 Preston D. Marshall  
 7

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN FRANCISCO DIVISION  
 11

12 PRESTON D. MARSHALL, an individual,  
 13 Plaintiff,

14 vs.

15 JOHN HUFFMAN IV, an individual;  
 REAL CONTENT GROUP, LLC, a  
 16 California limited liability company;  
 CARLOS MCKINNEY, an individual aka  
 17 Los DaMystro; TERIUS YOUNGDELL  
 NASH, an individual aka THE-DREAM;  
 18 UMG RECORDINGS, INC., a Delaware  
 corporation dba Island Def Jam Music  
 19 Group; MARIAH CAREY, an individual;  
 and DOES 1 – 50, inclusive,

20 Defendants.  
 21

Case No. 3:10-cv- 01665-SI

**STIPULATION TO CONTINUE HEARING  
 ON PLAINTIFF’S MOTION FOR LEAVE  
 TO FILE FOURTH AMENDED  
 COMPLAINT AND CASE MANAGEMENT  
 CONFERENCE FROM DECEMBER 16,  
 2011 TO JANUARY 13, 2012**

Date: Friday, December 16, 2011  
 Time: 9:00 a.m.  
 Courtroom: 10, 19<sup>th</sup> Floor  
 Judge: Hon. Susan Illston

1 Pursuant to Local Rule 6-2(a), Plaintiff Preston D. Marshall and Defendant UMG  
2 Recordings, Inc., through their respective attorneys, hereby stipulate to a request for an order  
3 continuing the date of the hearing on Plaintiff's Motion for Leave to File a Fourth Amended  
4 Complaint from December 16, 2011 at 9:00 a.m. to January 13, 2012 at 9:00 a.m. and continuing  
5 the case management conference ("CMC") from December 16, 2011 at 3:00 p.m. to January 13,  
6 2012 at 3:00 p.m. The request is being made at the request of Plaintiff's counsel due to a  
7 scheduling conflict, and UMG's counsel has graciously agreed to stipulate to the request. Good  
8 cause exists for this requested continuance for the reasons detailed below. This Stipulation is  
9 supported by the accompanying Declaration of Bruno Tarabichi as required by Local Rule 6-2(a).

10 **1. *Plaintiff's counsel have prior scheduled motion hearings on the same date and time***

11 On November 2, 2011, the Court issued an Order setting a hearing date on Plaintiff's  
12 Motion for Leave for December 16, 2011 at 9:00 a.m. Before the Court issued such Order,  
13 Plaintiff's counsel had two separate motions scheduled to be heard on December 16, 2011 at 9:00  
14 a.m. in another case in San Jose, one of which Mr. Owens would be handling and one of which  
15 Mr. Tarabichi would be handling. Between this Court's November 2, 2011 Order and today,  
16 December 2, 2011, Plaintiff's counsel had hoped that the other case would settle as there had  
17 been a mediation and ongoing settlement discussions, which would have obviated the conflict and  
18 the need for this Stipulation. As the other hearings were scheduled well before this Court issued  
19 its November 2, 2011 Order, Plaintiff's counsel is respectfully requesting that the hearing in this  
20 case be moved. Moving the hearings in the other case will be more difficult and burdensome  
21 because, among other things, the assigned judge's calendar is booked until February 2012,  
22 whereas the hearing in this case could be rescheduled as soon as January 13, 2012 (noting that the  
23 Court is unavailable on December 30 and January 6), and the other motions involve discovery  
24 issues that need to be urgently resolved in the other case.

25 **2. *If the hearing is moved, it makes sense to move the CMC as well***

26 Although Plaintiff's counsel do not have a scheduling conflict with the case management  
27 conference scheduled for December 16, 2011 at 3:00 p.m., it would be more efficient and make  
28 sense to move the CMC as well to January 13, 2012 at 3:00 p.m. If the hearing on Plaintiff's

1 Motion for Leave is continued, then the issue of whether Plaintiff can file its proposed Fourth  
2 Amended Complaint will not be resolved until January 13, 2012 or as soon thereafter as the Court  
3 decides the motion. This means that the parties will not know whether UMG will be a defendant  
4 or not by the date currently set for the CMC. It also means that no other defendants will have  
5 been served by this date since the Fourth Amended Complaint will not have been filed, and  
6 accordingly, no other defendants will participate in the CMC. As such, it makes sense to move  
7 the case management conference until after the Court has addressed Plaintiff's Motion for Leave.

8 \*\*\*

9 For all the foregoing reasons, Plaintiff and UMG respectfully request that the Court  
10 continue the date of the hearing on Plaintiff's Motion for Leave to File a Fourth Amended  
11 Complaint from December 16, 2011 at 9:00 a.m. to January 13, 2012 at 9:00 a.m. and continue  
12 the CMC from December 16, 2011 at 3:00 p.m. to January 13, 2012 at 3:00 p.m.

13  
14 Dated: December 2, 2011

Respectfully submitted,

15 OWENS TARABICHI LLP

16  
17 By /s/ Bruno W. Tarabichi

18 David R. Owens  
19 Bruno W. Tarabichi  
Attorneys for Plaintiff  
20 Preston D. Marshall

21 Dated: December 2, 2011

Respectfully submitted,

22 COBLENTZ, PATCH, DUFFY & BASS LLP

23  
24 By /s/ Julia D. Greer

25 Julia D. Greer  
26 Attorneys for Defendant  
27 UMG Recordings, Inc.  
28

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20 and DOES 1 – 50, inclusive,

21 Defendants.  
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Case No. 3:10-cv- 01665-SI

**TARABICHI DECLARATION IN  
SUPPORT OF STIPULATION TO  
CONTINUE HEARING ON PLAINTIFF'S  
MOTION FOR LEAVE TO FILE FOURTH  
AMENDED COMPLAINT AND CASE  
MANAGEMENT CONFERENCE FROM  
DECEMBER 16, 2011 TO JANUARY 13,  
2012**

Date: Friday, December 16, 2011  
Time: 9:00 a.m.  
Courtroom: 10, 19<sup>th</sup> Floor  
Judge: Hon. Susan Illston

1 I, BRUNO TARABICHI, declare as follows:

2 1. I am an attorney at law, duly admitted into practice before all courts for the State  
3 of California. I am a partner in the law firm of Owens Tarabichi LLP, counsel for Plaintiff  
4 Preston D. Marshall. I make this Declaration in support of the Stipulation to Continue Hearing on  
5 Plaintiff's Motion for Leave to File Fourth Amended Complaint and Case Management  
6 Conference from December 16, 2011 to January 13, 2012. The matters set forth herein are of my  
7 own personal knowledge, and if called upon to testify as to such matters, I could and would do so.

8 2. On November 2, 2011, the Court issued an Order setting a hearing date on  
9 Plaintiff's Motion for Leave for December 16, 2011 at 9:00 a.m. Before the Court issued such  
10 Order, Plaintiff's counsel had two separate motions scheduled to be heard on December 16, 2011  
11 at 9:00 a.m. in another case in San Jose, one of which Mr. Owens would be handling and one of  
12 which I would be handling. Between this Court's November 2, 2011 Order and today, December  
13 2, 2011, we had hoped that the other case would settle as there had been a mediation and ongoing  
14 settlement discussions, which would have obviated the conflict and this Stipulation. As the other  
15 hearings were scheduled well before this Court issued its November 2, 2011 Order, we are  
16 respectfully requesting that the hearing in this case be moved. Moving the hearings in the other  
17 case will be more difficult and burdensome because, among other things, the assigned judge's  
18 calendar is booked until February 2012, whereas the hearing in this case could be rescheduled as  
19 soon as January 13, 2012 (noting that the Court is unavailable on December 30 and January 6),  
20 and the other motions involve discovery issues that need to be urgently resolved in the other case.

21 3. Although Plaintiff's counsel do not have a scheduling conflict with the case  
22 management conference scheduled for December 16, 2011 at 3:00 p.m., it would be more  
23 efficient and make sense to move the case management conference as well to January 13, 2012 at  
24 3:00 p.m. If the hearing on Plaintiff's Motion for Leave is continued, then the issue of whether  
25 Plaintiff can file its proposed Fourth Amended Complaint will not be resolved until on December  
26 16, 2011. This means that the parties will not know whether UMG will be a defendant or not, and  
27 it also means that no other defendants will have been served since the Fourth Amended  
28

1 Complaint will not have been filed yet. As such, it makes sense to move the case management  
2 conference until after the Court has addressed Plaintiff's Motion for Leave.

3 4. With regard to Local Rule 6-2(a)(2), this is the first requested time modification of  
4 the Court's November 2, 2011 Order setting the hearing and case management conference for  
5 December 16, 2011.

6 5. With regard to Local Rule 6-2(a)(3), the requested time modification will not  
7 affect the timing of the briefing schedule for Plaintiff's Motion for Leave. It will only move the  
8 hearing date from December 16, 2011 to January 13, 2012. Likewise, moving the case  
9 management conference will not have an affect on the schedule for the case other than delaying  
10 the case management conference from December 16, 2011 to January 13, 2012.

11

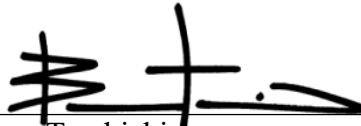
12 I declare under penalty of perjury under the laws of the State of California that the  
13 foregoing is true and correct.

14 Executed December 2, 2011 at San Jose, California.

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Bruno Tarabichi

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Case No. 3:10-cv- 01665-SI

**[PROPOSED] ORDER GRANTING  
STIPULATION TO CONTINUE HEARING  
ON PLAINTIFF'S MOTION FOR LEAVE  
TO FILE FOURTH AMENDED  
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