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

PENELOPE HOUSTON, an individual, GREG INGRAHAM, an individual, JAMES WILSEY, an individual, and DANIEL O'BRIEN, an individual,  Plaintiffs,  v.  DAVID FERGUSON, an individual dba CD PRESENTS, BURIED TREASURE MUSIC and ANARCHY ANTHEMS; BURIED TREASURE MUSIC, BURIED TREASURE INC., a Corporation of unknown jurisdiction; INDEPENDENT ONLINE DISTRIBUTION ALLIANCE, INC., a California Corporation;	) Case No. C10-01881 JSW ) ) <b>STIPULATION AND <del>PROPOSED</del></b> ) <b>ORDER RE: SECOND EXTENSION</b> ) <b>OF TIME TO FILE RESPONSE TO</b> ) <b>SECOND AMENDED COMPLAINT</b> ) ) <b>Hon. Jeffrey S. White, Presiding</b> ) ) (E-Filing) ) ) ) ) ) ) )
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1 TUNECORE, INC., a Delaware Corporation; )  
2 and RHAPSODY INTERNATIONAL, INC., a )  
3 Delaware Corporation, )  
4 Defendants. )

5 Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 6-1(a) of the Civil  
6 Local Rules of the United States District Court, Northern District of California, Plaintiffs  
7 PENELOPE HOUSTON, an individual, GREG INGRAHAM, an individual, JAMES WILSEY, an  
8 individual, and DANIEL O'BRIEN, an individual (collectively, "Plaintiffs"), on the one hand, and  
9 Defendant DAVID FERGUSON, an individual ("Defendant"), on the other hand, hereby agree and  
10 stipulate as follows:

11 WHEREAS, Plaintiffs filed a Second Amended Complaint on January 21, 2011; and

12 WHEREAS, Plaintiff and Defendant Ferguson previously stipulated, and this Court  
13 ordered on February 3, 2011, that Defendant Ferguson's response to the Second Amended  
14 Complaint is due by February 17, 2011; and

15 WHEREAS, the parties are actively engaged in settlement discussions in an attempt to  
16 resolve their dispute; and

17 WHEREAS, Rule 6-1(a) of the Civil Local Rules of the United States District Court,  
18 Northern District of California, permits the parties to extend the time within which to answer or  
19 otherwise respond to a complaint by stipulation in writing and without a Court order, provided the  
20 change will not alter the date of any event or any deadline already fixed by Court order; and

21 WHEREAS, Plaintiffs and Defendant agree that the extension of time for Defendant to file  
22 a responsive pleading to the Second Amended Complaint will not alter the date of any event or any  
23 deadline already fixed by Court order; and

24 WHEREAS, Plaintiffs and Defendant agree that the date by which Defendant shall file a  
25 responsive pleading should be extended to March 14, 2011, to allow the parties time to discuss  
26 settlement;

27 NOW THEREFORE, Plaintiffs and Defendant, by and through their respective  
28 undersigned counsel, hereby stipulate as follows:

1. The time for Defendant David Ferguson to file a responsive pleading to the Second Amended Complaint shall be extended to and including March 14, 2011;

SO STIPULATED.

Dated: February 14, 2011

LAW OFFICE OF ALAN KORN

By: /Alan Korn/

Alan Korn

*Attorneys for Plaintiffs*

*PENELOPE HOUSTON, GREG INGRAHAM,  
JAMES WILSEY and DANIEL O'BRIEN*

IDELL & SEITEL LLP

Dated: February 14, 2011

By: /Richard J. Idell/

Richard J. Idell

Ory Sandel

*Attorneys for Defendant DAVID FERGUSON*

**ATTESTATION OF CONCURRENCE**

I, Richard J. Idell, as the ECF user and filer of this document, attest that, pursuant to General Order No. 45(X)(B), concurrence in the filing of this document has been obtained from Alan Korn, the above signatory.

Dated: February 14, 2011

By: /Richard J. Idell/

Richard J. Idell

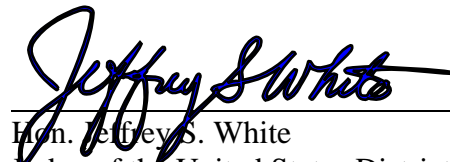
**~~PROPOSED~~ ORDER**

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

1. Defendant David Ferguson shall file a responsive pleading to the Second Amended Complaint no later than March 14, 2011.

**IT IS SO ORDERED.**

Dated: 2/14/2011



Hon. Jeffrey S. White

Judge of the United States District Court  
Northern District of California

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**PROOF OF SERVICE**

I am employed in the City and County of San Francisco, State of California in the office of a member of the bar of this court at whose direction the following service was made. I am over the age of eighteen years and not a party to the within action. My business address is Idell & Seitel, LLP 465 California Street, Suite 300, San Francisco, California 94104.

On February 14, 2011, I served the following document(s):

**STIPULATION AND [PROPOSED] ORDER RE: SECOND EXTENSION OF TIME TO FILE RESPONSE TO SECOND AMENDED COMPLAINT**

☒ by **ELECTRONIC MAIL.** As this case is subject to the United States District Court for the Northern District of California ECF program, pursuant to General Rule 45, upon the filing of the above-entitled document(s) an automatically generated e-mail message was generated by the Court's electronic filing system and sent to the address(es) shown below and constitutes service on the receiving party.

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I certify and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and I executed this declaration at San Francisco, California.

  
\_\_\_\_\_  
Amy Reyes