

ALAN KORN, SBN 167933
 LAW OFFICE OF ALAN KORN
 1840 Woolsey Street
 Berkeley, California 94703
 Ph. (510) 548-7300
 Fax: (510) 540-4821

*Attorney for Plaintiffs Penelope Houston, James Wilsey,
 Daniel O'Brien and Greg Ingraham*

RICHARD J. IDELL, ESQ. (SBN 069033)
 ORY SANDEL, ESQ. (SBN 233204)
 IDELL & SEITEL LLP
 465 California Street, Suite 300
 San Francisco, CA 94104
 Telephone: (415) 986-2400
 Facsimile: (415) 392-9259

ANTHONY R. BERMAN, ESQ. (SBN 160634)
 BERMAN ENTERTAINMENT AND TECHNOLOGY LAW
 235 Montgomery St., Ste 760
 San Francisco, CA 94104
 Telephone: (415) 816-9623
 Facsimile: (415) 421-2355

Attorneys for Defendant David Ferguson

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

| | | |
|--|---|--|
| PENELOPE HOUSTON, an individual, GREG |) | Case No. C10-01881 JSW |
| INGRAHAM, an individual, JAMES |) | |
| WILSEY, an individual, and DANIEL |) | STIPULATION AND PROPOSED |
| O'BRIEN, an individual, |) | ORDER RE: SECOND EXTENSION |
| |) | OF TIME TO FILE RESPONSE TO |
| Plaintiffs, |) | SECOND AMENDED COMPLAINT |
| |) | |
| v. |) | Hon. Jeffrey S. White, Presiding |
| |) | |
| DAVID FERGUSON, an individual dba CD |) | (E-Filing) |
| 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; |) | |

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: February 15, 2011


Hon. Jeffrey S. White

Judge of the United States District Court
Northern District of California