```
ALAN KORN, SBN 167933
    LAW OFFICE OF ALAN KORN
 2
    1840 Woolsey Street
    Berkeley, California 94703
 3
    Ph. (510) 548-7300
    Fax: (510) 540-4821
 4
 5
    Attorney for Plaintiffs Penelope Houston, James Wilsey,
    Daniel O'Brien and Greg Ingraham
 6
    RICHARD J. IDELL, ESQ. (SBN 069033)
 7
    ORY SANDEL, ESQ. (SBN 233204)
    IDELL & SEITEL LLP
 8
    465 California Street, Suite 300
 9
    San Francisco, CA 94104
    Telephone: (415) 986-2400
10
    Facsimile: (415) 392-9259
11
    ANTHONY R. BERMAN, ESQ. (SBN 160634)
    BERMAN ENTERTAINMENT AND TECHNOLOGY LAW
12
    235 Montgomery St., Ste 760
13
    San Francisco, CA 94104
    Telephone: (415) 816-9623
14
    Facsimile: (415) 421-2355
15
    Attorneys for Defendant David Ferguson
16
                            UNITED STATES DISTRICT COURT
17
                         NORTHERN DISTRICT OF CALIFORNIA
18
19
    PENELOPE HOUSTON, an individual, GREG
                                              ) Case No. C10-01881 JSW
    INGRAHAM, an individual, JAMES
20
    WILSEY, an individual, and DANIEL
                                                 STIPULATION AND [PROPOSED]
    O'BRIEN, an individual,
                                                 ORDER RE: THIRD EXTENSION OF
21
                                                 TIME TO FILE RESPONSE TO
22
                 Plaintiffs,
                                                 SECOND AMENDED COMPLAINT
23
                                                 Hon. Jeffrey S. White, Presiding
          V.
24
    DAVID FERGUSON, an individual dba CD
                                                 (E-Filing)
    PRESENTS, BURIED TREASURE MUSIC
25
    and ANARCHY ANTHEMS; BURIED
26
    TREASURE MUSIC, BURIED TREASURE
    INC., a Corporation of unknown jurisdiction;
27
    INDEPENDENT ONLINE DISTRIBUTION
    ALLIANCE, INC., a California Corporation;
28
```

1	TUNECORE, INC., a Delaware Corporation; and RHAPSODY INTERNATIONAL, INC., a			
2	Delaware Corporation,			
3	Defendants.			
4				
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 15, 2011, that Defendant Ferguson's response to the Second Amended			
14	Complaint is due by March 14, 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 28, 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:			

Case3:10-cv-01881-JSW Document73 Filed03/09/11 Page3 of 4

1	1. The time for Defendant David Ferguson to file a responsive pleading to the Second				
2	Amended Complaint shall be extended to and including March 28, 2011;				
3	SO STIPULATED.				
4					
5	Dated: March 9, 2011		LAW OFFICE OF ALAN KORN		
6		By:	/Alan Korn/		
7		J	Alan Korn		
8			Attorneys for Plaintiffs PENELOPE HOUSTON, GREG INGRAHAM, JAMES WILSEY and DANIEL O'BRIEN		
9					
10			IDELL & SEITEL LLP		
11	Dated: March 9, 2011	By:	/Richard J. Idell/		
12			Richard J. Idell Ory Sandel		
13			Attorneys for Defendant DAVID FERGUSON		
14					
15	ATTESTATION OF CONCURRENCE				
16	I, Richard J. Idell, as the ECF user and filer of this document, attest that, pursuant to				
17	General Order No. $45(X)(B)$, concurrence in the filing of this document has been obtained from				
18	Alan Korn, the above signatory.				
	Dated: March 9, 2011	By:	/Richard J. Idell/		
19			Richard J. Idell		
20		(PRO	POSED ORDER		
21	PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:				
22	1. Defendant David Ferguson shall file a responsive pleading to the Second Amended				
23	Complaint no later than March 28, 2011.				
24	IT IS SO ORDERED.	2011.			
25			lethey Swhits		
26	Dated: March 10, 2011		How Jeffrey's White		
27			Judge of the United States District Court		
28			Northern District of California		
٥					