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16				
17	UNITED STATES D			
18	NORTHERN DISTRICT OF CALIFORNIA			
19	PENELOPE HOUSTON, an individual, GREG	) Case No. C10-01881 JSW		
20	INGRAHAM, an individual, JAMES	) STIDULATION AND EPROPOSEDI		
21	WILSEY, an individual, and DANIEL O'BRIEN, an individual,	<ul> <li>STIPULATION AND [PROPOSED]</li> <li>ORDER RE: FOURTH EXTENSION</li> </ul>		
22	Plaintiffs,	<ul><li>) OF TIME TO FILE RESPONSE TO</li><li>) SECOND AMENDED COMPLAINT</li></ul>		
	i idilitiis,	) SECOND AMENDED COMILLAINT )		
23	v.	) Hon. Jeffrey S. White, Presiding		
24	DAVID FERGUSON, an individual dba CD	) (E-Filing)		
25	PRESENTS, BURIED TREASURE MUSIC and ANARCHY ANTHEMS; BURIED	)		
26	TREASURE MUSIC, BURIED TREASURE			
27	INC., a Corporation of unknown jurisdiction; INDEPENDENT ONLINE DISTRIBUTION	)		
28	ALLIANCE, INC., a California Corporation;	, )		
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TUNECORE, INC., a Delaware Corporation; and RHAPSODY INTERNATIONAL, INC., a Delaware Corporation,	
Defendants.	)

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

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

WHEREAS, Plaintiff and Defendant Ferguson previously stipulated, and this Court
ordered on March 10, 2011, that Defendant Ferguson's response to the Second Amended
Complaint is due by March 28, 2011; and

WHEREAS, this is the fourth request for extension of the date by which Defendant shallfile a responsive pleading; and

WHEREAS, the parties are actively engaged in settlement discussions in an attempt toresolve their dispute; and

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

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

WHEREAS, Plaintiffs and Defendant agree that the date by which Defendant shall file a
responsive pleading should be extended to April 11, 2011, to allow the parties time to discuss
settlement;

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1	NOW THEREFORE, Plaintiffs and Defendant, by and through their respective		
2	undersigned counsel, hereby stipulate as follows:		
3	1. The time for Defendant David Ferguson to file a responsive pleading to the Second		
4	Amended Complaint shall be extended to and including April 11, 2011;		
5	SO STIPULATED.		
6			
7	Dated: March 25, 2011LAW OFFICE OF ALAN KORN		
8	By: /Alan Korn/		
9	Alan Korn Attorneys for Plaintiffs		
10	PENELOPE HOUSTON, GREG INGRAHAM,		
11	JAMES WILSEY and DANIEL O'BRIEN		
12	IDELL & SEITEL LLP		
13	Dated: March 25, 2011 By: /Richard J. Idell/ Richard J. Idell		
14	Attorneys for Defendant DAVID FERGUSON		
15	ΑΤΤΕΣΤΑΤΙΟΝ ΟΕ CONCUPRENCE		
16	6 L Bishard L Idall as the ECE user and filer of this decument attest that murauant to		
17	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		
18			
19			
20	Dated: March 25, 2011 By: <u>/Richard J. Idell/</u> Richard J. Idell		
21			
22	<u>[PROPOSED] ORDER</u>		
23	PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:		
24	1. Defendant David Ferguson shall file a responsive pleading to the Second Amended Complaint no later than April 11, 2011.		
25	IT IS SO ORDERED.		
26	$\Lambda$		
27	Dated: March 25, 2011 Hon. Affred S. White		
28	Judge of the United States District Court Northern District of California		
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STIPULATION AND [PROPOSED] ORDER RE: FOURTH EXTENSION OF TIME TO FILE RESPONSE TO SECOND AMENDED COMPLAINT CASE NO.: C10-01881 JSW