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

19 PENELOPE HOUSTON, an individual, GREG 20 INGRAHAM, an individual, JAMES 21 WILSEY, an individual, and DANIEL O'BRIEN, an individual, 22 <p style="text-align: center;">Plaintiffs,</p> 23 <p style="text-align: center;">v.</p> 24 DAVID FERGUSON, an individual dba CD 25 PRESENTS, BURIED TREASURE MUSIC and ANARCHY ANTHEMS; BURIED 26 TREASURE MUSIC, BURIED TREASURE INC., a Corporation of unknown jurisdiction; 27 INDEPENDENT ONLINE DISTRIBUTION 28 ALLIANCE, INC., a California Corporation;) CASE No. C10-01881 JSW)) STIPULATION AND PROPOSED) ORDER CONTINUING CASE) MANAGEMENT CONFERENCE) AND CASE MANAGEMENT) CONFERENCE STATEMENT) DEADLINE)) <u>Currently Scheduled Conference:</u>) Date: April 8, 2011) Time: 1:30 p.m.) Courtroom: 11 – Nineteenth Floor)) Hon. Jeffrey S. White, Presiding)
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1 TUNECORE, INC., a Delaware Corporation;) (E-Filing)
 2 and RHAPSODY INTERNATIONAL, INC., a)
 Delaware Corporation,)
 3 Defendants.)

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

10 This Stipulation and Proposed Order are being submitted for the purpose of continuing the
 11 Case Management Conference ("CMC") in this case, which is currently scheduled for April 8,
 12 2011, for at least thirty (30) days, to a date convenient to the Court, as well as continuing the CMC
 13 Statement deadline that is tied to the date of the CMC. As set forth in the Recitals below, the
 14 parties each believe that good cause exists for the continuation of such CMC in light of the present
 15 posture of this case, including the parties having reached a tentative settlement of the action.

16 RECITALS

17 WHEREAS, pursuant to the request of the parties in their previously-filed CMC Statement,
 18 the Honorable Judge Jeffrey S. White entered an order on February 9, 2011 ("CMC Order") (Doc.
 19 No. 67), continuing the Case Management Conference in this matter to April 8, 2011, at 1:30 p.m.,
 20 in Courtroom 11, 19th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco,
 21 California; and

22 WHEREAS, the CMC Order requires that the parties file a joint case management
 23 statement no later than April 1, 2011; and

24 WHEREAS, Plaintiffs and Defendant David Ferguson have reached a tentative settlement
 25 and are actively engaged in the process of drafting and negotiating a settlement agreement, and
 26 believe that additional time may allow them to finalize the resolution of their dispute; and

27 WHEREAS, Plaintiffs and Defendant agree and stipulate that a continuance of the CMC
 28 and CMC Statement deadline for a period of at least thirty (30) days would be appropriate, and

IDELL & SEITEL LLP

Dated: March 31, 2011

By: Richard J. Idell

Richard J. Idell
Ory Sandel
Attorneys for Defendant David Ferguson

ATTESTATION OF CONCURRENCE

I, Richard J. Idell, attest that I am one of the attorneys for Defendant David Ferguson, and as the ECF user and filer of this document, I 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: March 31, 2011

By: Richard J. Idell

Richard J. Idell

~~PROPOSED~~ ORDER

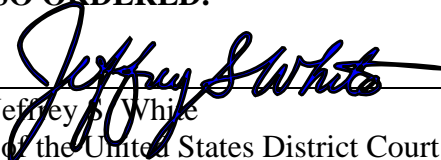
PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

1. The Case Management Conference in this matter shall be continued to May 6, 2011, at 1:30 p.m., in Courtroom 11, 19th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California; and

2. The last day to file a supplemental joint case management conference statement shall be due April 29, 2011.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: March 31, 2011


Hon. Jeffrey S. White
Judge of the United States District Court
Northern District of California