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18 **UNITED STATES DISTRICT COURT**
 19
 20 **NORTHERN DISTRICT OF CALIFORNIA**

21 PENELOPE HOUSTON, an individual, GREG
 22 INGRAHAM, an individual, JAMES WILSEY, an
 individual, and DANIEL O'BRIEN, an individual,

23 Plaintiffs,

24 v.

25 DAVID FERGUSON, an individual dba
 CD PRESENTS, BURIED TREASURE
 26 MUSIC and ANARCHY ANTHEMS; ANTHEM
 27 MUSIC AND MEDIA FUND, LLC, a Delaware
 Limited Liability Company dba FIGS D. MUSIC,
 28 THE BICYCLE MUSIC COMPANY, an entity of
 unknown origin; NBC UNIVERSAL, INC., a

CASE NO. C10-01881 JSW

**STIPULATION AND ~~[PROPOSED]~~ ORDER
 RE: FURTHER EXTENSION OF TIME TO
 FILE RESPONSE TO SECOND AMENDED
 COMPLAINT AND CONTINUANCE OF
 CASE MANAGEMENT CONFERENCE AND
 CASE MANAGEMENT CONFERENCE
 STATEMENT DEADLINE**

Currently Scheduled Conference:

Date: May 6, 2011

Time: 1:30 p.m.

1 Delaware Corporation; and Film 44, INC., a
2 California Corporation,
3 Defendants.

Courtroom: 11 – Nineteenth Floor
Hon. Jeffrey S. White, Presiding
(E-Filing)

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

10 This Stipulation, and the Proposed Order thereon, is being submitted for the purpose of (a)
11 extending the deadline to file a responsive pleading to Plaintiffs' Second Amended Complaint (the
12 "SAC"), (b) continuing the Case Management Conference ("CMC") in this case, which is currently
13 scheduled for May 6, 2011, for at least thirty (30) days, to a date convenient to the Court, and (c)
14 continuing the CMC Statement deadline that is tied to the date of the CMC. As set forth in the Recitals
15 below, the parties believe that good cause exists for the Order requested in light of the status of the
16 parties' settlement negotiations.

17 RECITALS

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

19 WHEREAS, Plaintiffs and Defendant Ferguson previously stipulated, and this Court ordered on
20 March 25, 2011, that Defendant Ferguson's response to the SAC was due by April 11, 2011; and

21 WHEREAS, Plaintiffs and Defendant Ferguson previously stipulated, and this Court ordered on
22 March 31, 2011, that the CMC is to be held on May 6, 2011, and that the CMC Statement is due on
23 April 29, 2011; and

24 WHEREAS, the parties have agreed to the substantive terms of settlement of their dispute and
25 are actively negotiating the memorialization thereof; and

26 WHEREAS, Rule 6-1(b) of the Civil Local Rules of the United States District Court, Northern
27 District of California, requires the parties to obtain a court order for any enlargement or shortening of
28 time that alters an event or deadline already fixed by Court order; and

1 WHEREAS, Plaintiffs and Defendant agree and stipulate that a further extension of time for
2 Defendant to file a responsive pleading to the SAC, to May 2, 2011, and a continuance of the CMC and
3 of the CMC Statement deadline, for a period of at least thirty (30) days, is appropriate and would allow
4 the parties further time to finalize settlement, and hereby jointly request that the Court order such
5 enlargement of time; and

6 WHEREAS, the parties believe that requested time modifications would have no substantial
7 effect on the schedule for this case and would encourage completion of the settlement;

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

- 10 1. The time for Defendant David Ferguson to file a responsive pleading to the Second
- 11 Amended Complaint shall be extended to and including May 2, 2011.
- 12 2. Subject to Court approval and the Court’s calendar, the CMC shall be continued for a
- 13 period of at least thirty (30) days from May 6, 2011.
- 14 3. Subject to Court approval, the CMC Statement deadline shall be continued for a period of
- 15 at least thirty (30) days from April 29, 2011.

16 SO STIPULATED.

17 LAW OFFICE OF ALAN KORN

18 Dated: April 13, 2011

19 By: /s/ Alan Michael Korn
20 Alan Michael Korn
21 *Attorneys for Plaintiffs*

22 IDELL & SEITEL LLP

23 Dated: April 13, 2011

24 By: /s/ Richard J. Idell
25 Richard J. Idell
26 *Attorneys for Defendant David Ferguson*

27 **ATTESTATION OF CONCURRENCE**

28 I, Richard J. Idell, as the ECF user and filer of this document, attest that, pursuant to General

1 Order No. 45(X)(B), concurrence in the filing of this document has been obtained from Alan Korn, the
2 above signatory.

3 IDELL & SEITEL LLP

4 Dated: April 13, 2011

By: /s/ Richard J. Idell
Richard J. Idell
Attorneys for Defendant David Ferguson

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7
8
9 **~~PROPOSED~~ ORDER**

10 PURSUANT TO THE ABOVE STIPULATION, IT IS HEREBY ORDERED as follows:

- 11 1. Defendant David Ferguson shall file a responsive pleading to the Second Amended
- 12 Complaint on or before May 2, 2011.
- 13 2. The Case Management Conference in this matter shall be continued to _____
- 14 June 17 _____, 2011 at 1:30 p.m. in Courtroom 11, 19th Floor, Federal Building, 450
- 15 Golden Gate Avenue, San Francisco, California.
- 16 3. A supplemental joint Case Management Conference Statement shall be filed by the
- 17 parties on or before June 10 _____, 2011.

18 SO ORDERED.

19
20 Dated: April 14 _____, 2011



The Honorable Jeffrey S. White
United States District Court, Northern District of California