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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 Plaintiffs, ) 23 v. ) 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; )	) <b>Case No. C10-01881 JSW</b> ) ) <b>STIPULATION AND <del>PROPOSED</del></b> ) <b>ORDER RE: SIXTH EXTENSION OF</b> ) <b>TIME TO FILE RESPONSE TO</b> ) <b>SECOND AMENDED COMPLAINT</b> ) ) <b>Hon. Jeffrey S. White, Presiding</b> ) ) (E-Filing)
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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:

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

WHEREAS, Plaintiff and Defendant Ferguson previously stipulated, and this Court ordered on April 14, 2011, that Defendant Ferguson's response to the Second Amended Complaint is due by May 2, 2011; and

WHEREAS, this is the sixth request for extension of the date by which Defendant shall file a responsive pleading; and

WHEREAS, the parties are actively engaged in settlement discussions in an attempt to resolve 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 May 23, 2011, to allow the parties time to discuss settlement and complete the settlement agreement;

