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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: SEVENTH EXTENSION
21
                                                 OF 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;
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1 2	TUNECORE, INC., a Delaware Corporation; and RHAPSODY INTERNATIONAL, INC., a Delaware Corporation,
3	Defendants.
4	Defendants.
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 April 29, 2011, that Defendant Ferguson's response to the Second Amended Complaint
14	is due by May 23, 2011; and
15	WHEREAS, this is the seventh request for extension of the date by which Defendant shall
16	file a responsive pleading; and
17	WHEREAS, the parties are actively engaged in settlement discussions and negotiation of a
18	settlement agreement in an attempt to resolve their dispute; and
19	WHEREAS, Rule 6-1(a) of the Civil Local Rules of the United States District Court,
20	Northern District of California, permits the parties to extend the time within which to answer or
21	otherwise respond to a complaint by stipulation in writing and without a Court order, provided the
22	change will not alter the date of any event or any deadline already fixed by Court order; and
23	WHEREAS, Plaintiffs and Defendant agree that the extension of time for Defendant to file
24	a responsive pleading to the Second Amended Complaint will not alter the date of any event or any
25	deadline already fixed by Court order; and
26	WHEREAS, Plaintiffs and Defendant agree that the date by which Defendant shall file a
27	responsive pleading should be extended to June 13, 2011, to allow the parties time to discuss
28	settlement and complete the settlement agreement;

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 June 13, 2011;
5	SO STIPULATED.
6	
7	Dated: May 23, 2011 LAW OFFICE OF ALAN KORN
8	By: /Alan Korn/
9	Alan Korn
	Attorneys for Plaintiffs PENELOPE HOUSTON, GREG INGRAHAM,
10 11	JAMES WILSEY and DANIEL O'BRIEN
12	IDELL & SEITEL LLP
13	Dated: May 23, 2011 By:/Richard J. Idell/
	Richard J. Idell  Attorneys for Defendant DAVID FERGUSON
14	Allorneys for Defendant DAVID FERGUSON
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.
19	Dated: May 23, 2011 By:/Richard J. Idell/
20	Richard J. Idell
21	
22	<del>[PROPOSED]</del> ORDER
	PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:
23	1. Defendant David Ferguson shall file a responsive pleading to the Second Amended
24	Complaint no later than June 13, 2011.
25	IT IS SO ORDERED.
26	Dated: May 23, 2011
27	Dated: May 23, 2011  Hon. Jeffrey E. White
	Judge of the United States District Court
28	Northern District of California