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24 **UNITED STATES DISTRICT COURT**  
 25 **NORTHERN DISTRICT OF CALIFORNIA**

26 PENELOPE HOUSTON, an individual, GREG  
 27 INGRAHAM, an individual, JAMES WILSEY, an  
 28 individual, and DANIEL O'BRIEN, an individual,  
 Plaintiffs,

v.

DAVID FERGUSON, an individual dba  
 CD PRESENTS, BURIED TREASURE  
 MUSIC and ANARCHY ANTHEMS; ANTHEM  
 MUSIC AND MEDIA FUND, LLC, a Delaware  
 Limited Liability Company dba FIGS D. MUSIC,  
 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:** August 5, 2011

**Time:** 1:30 p.m.

**Courtroom:** 11 – Nineteenth Floor  
 Hon. Jeffrey S. White, Presiding

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

(E-Filing)

3 Defendants.

4 Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 6-1(a) 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 follows:

9 This Stipulation, and the Proposed Order thereon, is being submitted for the purpose of: (a)  
10 extending the deadline to file a responsive pleading to Plaintiffs' Second Amended Complaint (the "SAC");  
11 (b) continuing the Case Management Conference ("CMC") in this case, which is currently scheduled for  
12 August 5, 2011, for at least thirty (30) days, to a date convenient to the Court; and (c) continuing the CMC  
13 Statement deadline that is tied to the date of the CMC. As set forth in the Recitals below, the parties  
14 believe that good cause exists for the Order requested in light of the status of the parties' settlement  
15 negotiations.

16 RECITALS

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

18 WHEREAS, Plaintiff and Defendant Ferguson previously stipulated, and this Court ordered on July  
19 1, 2011, that Defendant Ferguson's response to the Second Amended Complaint is due by July 22, 2011;  
20 and

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

23 WHEREAS, Plaintiffs and Defendant Ferguson previously stipulated, and this Court ordered on  
24 June 10, 2011, that the CMC is to be held on August 5, 2011, and that the CMC Statement is due on July 29,  
25 2011; and

26 WHEREAS, the parties have agreed to the settlement of their dispute, have finalized a settlement  
27 agreement, and are actively engaged in obtaining execution thereof; and

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

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

8 WHEREAS, Plaintiffs and Defendant agree and stipulate that the date by which Defendant shall file  
9 a responsive pleading should be extended to August 22, 2011, to allow the parties time to complete the  
10 execution of the settlement agreement;

11 WHEREAS, Plaintiffs and Defendant agree and stipulate that a further extension of time for  
12 Defendant to file a responsive pleading to the SAC, to August 22, 2011, and a continuance of the CMC and  
13 of the CMC Statement deadline, for a period of at least thirty (30) days from August 5, 2011, is appropriate  
14 and would allow the parties further time to finalize settlement, and hereby jointly request that the Court  
15 order such enlargement of time; and

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

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

- 20 1. The time for Defendant David Ferguson to file a responsive pleading to the Second  
21 Amended Complaint shall be extended to and including August 22, 2011.
- 22 2. Subject to Court approval and the Court's calendar, the CMC shall be continued for a period  
23 of at least thirty (30) days from August 5, 2011.

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