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9 *Attorneys for Plaintiff and the Putative Class*

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO COURTHOUSE

13 RICK JAMES, by and through THE JAMES)
14 AMBROSE JOHNSON, JR., 1999 TRUST,)
15 his successor in interest, individually and on)
16 behalf of all others similarly situated, *et al.*,)

17 Plaintiffs,)

18 vs.)

19 UMG RECORDINGS, INC., a Delaware)
20 corporation,)

21 Defendants.)

22 AND RELATED ACTIONS)
23)
24)
25)
26)
27)
28)

Case No. CV-11-1613 (SI)

**STIPULATION DEFERRING CLASS
CERTIFICATION BRIEFING**

1 WHEREAS plaintiffs' motion for class certification is currently scheduled to be filed on
2 October 12, 2012; opposed on November 30, 2012; reply due on December 21, 2012; and argument
3 set for January 18, 2013; and

4 WHEREAS plaintiffs have requested that said schedule should be modified and deferred on
5 the grounds that additional discovery is necessary and certain discovery matters have not yet been
6 ruled on by the Magistrate Judge, as well as a personal issue affecting plaintiffs' lead counsel; and

7 WHEREAS UMGR disagrees that additional discovery or rulings by the Magistrate Judge
8 are necessary for plaintiffs to file their class certification brief, but has agreed to accommodate
9 plaintiffs' request in part and compromise its position as reflected herein.

10 NOW, THEREFORE, it is hereby stipulated and agreed as follows:

11 1. The current schedule for class certification briefing and argument is vacated and
12 replaced with the following:

13 (a) If the motion to amend the complaint is granted in whole or in part (but *see*
14 subparagraph (c) below), the schedule will be reset by stipulation or by Court Order after the
15 pleadings are settled, with each side being given a brief opportunity to advise the Court orally or in
16 writing as to its views on the schedule.

17 (b) If the motion to amend the complaint is denied in full (*see* subparagraph (c)
18 below), plaintiffs' motion shall be due on December 21, 2012; UMGR's opposition shall be due on
19 February 15, 2013; plaintiffs' reply shall be due on March 8, 2013; and the hearing shall be set by
20 the Court on a date thereafter convenient to the Court. These dates can be modified for good cause
21 shown or in the interests of justice.

22 (c) If the Court grants the motion for leave to amend only to the extent of
23 permitting certain plaintiffs to dismiss their claims, that will not be considered a grant of the motion
24 for purposes of subparagraph (a) above.

25 DATED: September 25, 2012

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27 s/ LEONARD B. SIMON
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Chair of Lead Class Counsel Group for Plaintiffs

DATED: September 25, 2012

JEFFER MANGELS BUTLER & MITCHELL LLP
JEFFREY D. GOLDMAN

s/ JEFFREY D. GOLDMAN
JEFFREY D. GOLDMAN

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Attorneys for Defendants

* * *

ORDER

IT IS SO ORDERED.

DATED: 9/26/12 _____



THE HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on September 25, 2012, I authorized the electronic filing of the foregoing
3 **STIPULATION DEFERRING CLASS CERTIFICATION BRIEFING** with the Clerk of the
4 Court using the CM/ECF system, which will send notification of such filing to the e-mail addresses
5 denoted on the attached Electronic Mail Notice List, and I hereby certify that I caused to be mailed
6 the foregoing document or paper via the United States Postal Service to the non-CM/ECF
7 participants indicated on the attached Manual Notice List.

8 I certify under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct. Executed on September 25, 2012.

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Mailing Information for a Case 3:11-cv-01613-SI

Electronic Mail Notice List

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