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 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

1 RICK JAMES, by and through THE JAMES
 2 AMBROSE JOHNSON, JR., 1999 TRUST, his
 3 successor in interest, individually and on
 4 behalf of all others similarly situated,

5 Plaintiff,

6 vs.

7 UMG RECORDINGS, INC., a Delaware
 8 corporation,

9 Defendant.

10 Case No. CV 11-01613 SI

11 **STIPULATION AND [PROPOSED]
 12 ORDER CONTINUING HEARING
 13 DATE**

14 The Honorable Susan Illston

1 Plaintiff in the above-captioned action and Defendant UMG Recordings, Inc. (“UMGR”),
2 by and through their counsel, hereby stipulate as follows:

3 WHEREAS, Plaintiff in this case filed its complaint on April 1, 2011;

4 WHEREAS, on June 1, 2011, the Court issued an Order relating the case entitled *Rob*
5 *Zombie et al. v. UMG Recordings, Inc.*, Case No. CV 11-02431 SI (the “Zombie Action”), to this
6 case;

7 WHEREAS, on June 10, 2011, UMGR filed in this case: (a) a Motion to Dismiss Action
8 for Improper Venue or Transfer Action to Central District of California (“James Venue Motion”);
9 and (b) a Motion to Dismiss Fourth Cause of Action for Violation of California Business &
10 Professions Code § 17200 (“James Motion to Dismiss”);

11 WHEREAS, on July 8, 2011, UMGR filed in the Zombie Action: (a) a Motion to Dismiss
12 Action for Improper Venue or Transfer Action to Central District of California (“Zombie Venue
13 Motion”); and (b) a Motion to Dismiss Fourth Cause of Action for Violation of California
14 Business & Professions Code § 17200 (“Zombie Motion to Dismiss”);

15 WHEREAS, on July 27, 2011, The Tubes filed in the Zombie Action a Motion to
16 Intervene as Plaintiff and Additional Class Representative (“Motion to Intervene”);

17 WHEREAS, the James Venue Motion, James Motion to Dismiss, Zombie Venue Motion,
18 Zombie Motion to Dismiss, and Motion to Intervene have all been fully briefed;

19 WHEREAS, by notice dated August 18, 2011, the hearing on the Zombie Venue Motion,
20 Zombie Motion to Dismiss, and Motion to Intervene was continued until September 2, 2011 at
21 9:00 a.m. (Zombie Docket No. 25);

22 WHEREAS, on August 19, 2011, the Court’s law clerk confirmed by email that the
23 hearing on the James Venue Motion and James Motion to Dismiss was also continued until
24 September 2, 2011 at 9:00 a.m., such that all pending motions in both actions are currently
25 scheduled to be heard at that time;

26 WHEREAS, due to prior-scheduled commitments, counsel are unavailable for a hearing
27 on September 2, 2011 at 9:00 a.m., and the parties therefore wish to continue the hearing on all
28 pending motions to the next hearing date that is available for the Court and the parties;

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[PROPOSED] ORDER

IT IS HEREBY ORDERED, pursuant to the Stipulation between the parties, that:

1. The hearing on the pending James Venue Motion and James Motion to Dismiss is continued until September 22, 2011 at 9:00 a.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 8/25/11



The Honorable Susan Illston
United States District Judge

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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA

12 RICK JAMES, by and through THE JAMES
13 AMBROSE JOHNSON, JR., 1999 TRUST, his
14 successor in interest, individually and on
behalf of all others similarly situated,

15 Plaintiff,

16 vs.

17 UMG RECORDINGS, INC., a Delaware
18 corporation,

19 Defendant.

Case No. CV 11-01613 SI

**DECLARATION OF DAVID M. GIVEN
IN SUPPORT OF STIPULATION AND
[PROPOSED] ORDER CONTINUING
HEARING DATE**

The Honorable Susan Illston

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1 I, David M. Given, declare as follows:

2 1. I am admitted to practice before this Court and am an attorney at Phillips, Erlewine
3 & Given LLP, counsel for Plaintiff in the above-captioned action. I submit this declaration in
4 support of the parties' Stipulation and [Proposed] Order Continuing Hearing Date. The facts set
5 forth herein are based upon personal knowledge.

6 2. By notice dated August 18, 2011, the hearing on the pending Zombie Venue
7 Motion, Zombie Motion to Dismiss, and Motion to Intervene was continued until September 2,
8 2011 at 9:00 a.m. (Zombie Docket No. 25).

9 3. On August 19, 2011, the Court's law clerk confirmed by email that the hearing on
10 the pending James Venue Motion and James Motion to Dismiss was also continued until
11 September 2, 2011 at 9:00 a.m., such that all pending motions in both actions are currently
12 scheduled to be heard at that time.

13 4. Due to prior-scheduled commitments, counsel are unavailable for a hearing on
14 September 2, 2011 at 9:00 a.m., and the parties therefore wish to continue the hearing on all
15 pending motions to the next hearing date that is available for the Court and the parties. Due to
16 prior-schedule commitments, counsel for the parties are unavailable for a hearing on September 9,
17 2011 or September 16, 2011. The parties therefore jointly and respectfully request that the Court
18 continue the hearing on all pending motions until September 22, 2011 at 9:00 a.m.

19 5. The parties previously requested the following time modifications in this case: (a)
20 Stipulation To Extend Time To File Answer Or Other Response To Plaintiff's Complaint, filed
21 May 5, 2011 (James Docket No. 12); (b) Second Stipulation To Extend Time To File Answer Or
22 Other Response To Plaintiff's Complaint, filed June 3, 2011 (James Docket No. 20); and (c)
23 Stipulation To Continue Hearing Date And Amend Briefing Schedule On Defendant UMG
24 Recordings, Inc.'s Pending Motions To Dismiss And Transfer, filed June 23, 2011 (James Docket
25 No. 27), which the Court granted by Order dated June 28, 2011 (James Docket No. 30).

26 6. The purpose of the requested continuance is not delay. The requested continuance
27 will not alter any other deadlines set by the Court.

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