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9 Attorneys for Defendants
 10 STEPHAN JENKINS, an Individual;
 11 BRADLEY HARGREAVES, an Individual;
 12 THIRD EYE BLIND, INC.; 3EB TOURING, INC.
 13 and STEPHAN JENKINS PRODUCTIONS, INC.

14 UNITED STATES DISTRICT COURT,
 15 NORTHERN DISTRICT OF CALIFORNIA

16 ANTHONY FREDIANELLI, et al.,
 17 Plaintiff,
 18 v.
 19 STEPHAN JENKINS, et al.,
 20 Defendants.

No.: C11-03232 EMC

STIPULATION RE CROSS-
 COMPLAINANTS' MOTION FOR
 LEAVE TO FILE AMENDED CROSS-
 COMPLAINT AND CROSS-
 DEFENDANTS' MOTION FOR
 SUMMARY JUDGMENT AS TO
 CROSS-COMPLAINANTS;
 [PROPOSED] ORDER

Status Conference reset from 12/14/12
 to 1/24/13 at 1:30 p.m.

21 ERIC GODTLAND, an Individual,
 22 ERIC GODTLAND MANAGEMENT,
 23 INC., a California Corporation,
 24 Counter-Complainants,
 25 v.
 26 STEPHAN JENKINS, et al.,
 27 Cross-Defendants.

28 This Stipulation is entered into by and between Cross-Complainants Eric Godtland and
 Eric Godtland Management, Inc. and Cross-Defendants Stephan Jenkins, Bradley Hargreaves,

ABBEY, WEITZENBERG, WARREN & EMERY, P.C.
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1 Third Eye Blind, Inc., 3EB Touring , Inc. and Stephan Jenkins Productions, Inc. through their
2 respective attorneys.

3 WHEREAS Cross-Complainants and Cross-Defendants have, with the assistance of
4 Magistrate Judge Corley, agreed in principle to a settlement of their disputes, subject to execution
5 of a mutually agreeable written agreement;

6 WHEREAS Cross-Complainants' Motion for Leave to File First Amended Cross-
7 Complaint has been fully briefed and is set for hearing December 14, 2012;

8 WHEREAS Cross-Defendants' Motion For Summary Judgment or Partial Summary
9 Judgment is scheduled for hearing January 3, 2013, but neither the opposition nor the reply briefs
10 were filed because of the tentative settlement; and

11 WHEREAS Cross-Complainants and Cross-Defendants wish to minimize the expense of
12 this litigation to the extent possible and to avoid unnecessary use of Court resources;

13 NOW THEREFORE, Cross-Complainants and Cross-Defendants jointly request that the
14 Court order the following:

15 1. Cross-Complainants' motion for leave to file a first amended Cross-Complaint,
16 presently set for hearing December 14, 2012 at 1:30 p.m., shall be taken off calendar.

17 2. Cross-Defendants' motion for summary judgment as to the Cross-Complaint only,
18 presently set for hearing January 3, 2013, shall be taken off calendar. This order shall not affect
19 the hearing on the Defendants' motion for summary judgment as to Plaintiffs' claims, also set for
20 hearing on January 3, 2012.

21 3. In the event that the tentative settlement between Cross-Complainants and Cross-
22 Defendants has not been finalized by December 21, 2012 the hearings on both motions shall be
23 rescheduled for January ²⁴~~25~~, 2013, with Cross-Complainants' opposition to Cross-Defendants'
24 Motion for Summary Judgment due January 4, 2013 and Cross-Defendants' reply due January 11,
25 2013.

26 4. The parties also stipulate to have the Court hear the status conference in this matter
27 at 10:30 a.m. on December 14, 2012, rather than at 2:30 p.m. This request is based on the
28 calendar conflict for Mitchell B. Greenberg, counsel for Stephan Jenkins and the Third Eye Blind

1 entities, in *In Re Benyam & Paula Mulugeta*, U.S. Bankruptcy Court, San Jose Division, action
2 number 09-51900 ASW, in which the court has pending a motion to dismiss brought by Mr.
3 Greenberg's client, Secured Creditor, Sterling Savings Bank, which is set for hearing on
4 December 14, 2012 at 2:30 p.m. in San Jose. Plaintiff Anthony Fredianelli has not responded to a
5 request that he stipulate to this change in time for the status conference from 2:30 p.m. to 10:30
6 a.m. ~~The parties further stipulate, and request that Mr. Corbelli, on behalf of Cross-~~
7 ~~Complainants Eric Godtland and Eric Godtland Management, Inc., can appear at the December~~
8 ~~14, 2012 status conference telephonically through Court Call~~

9 Dated: December 10, 2012

/s/ James J. Corbelli

JAMES J. CORBELLI
Attorney for Cross-Complainants
ERIC GODTLAND and ERIC
GODTLAND MANAGEMENT, INC.

13 Dated: December 10, 2012

ABBEY, WEITZENBERG, WARREN EMERY

14 By: /s/ Mitchell B. Greenberg

MITCHELL B. GREENBERG
Attorneys for Cross-Defendants
STEPHAN JENKINS, THIRD EYE BLIND,
INC., 3EB TOURING, INC. and STEPHAN
JENKINS PRODUCTIONS, INC.

19 **ATTESTATION OF CONCURRENCE**

20 I, Mitchell B. Greenberg, as the ECF user and filer of this document, attest that, pursuant
21 to General Order No. 45(X)(B), concurrence in the filing of this document has been obtained from
22 James Corbelli, the above signatory.

23 Dated: December 10, 2012

ABBEY, WEITZENBERG, WARREN & EMERY

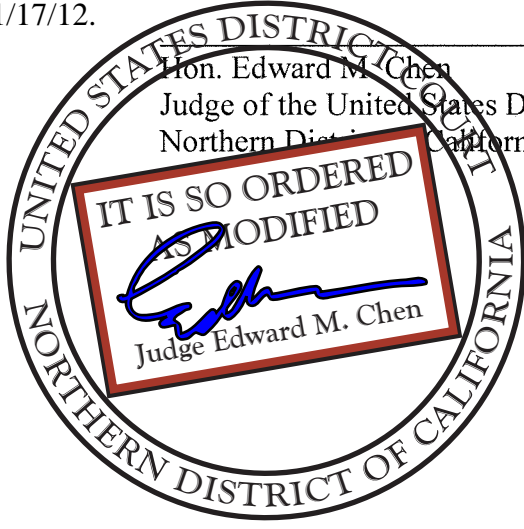
24 By: /s/ Mitchell B. Greenberg

25 MITCHELL B. GREENBERG
26 Attorneys for Cross-Defendants
27 STEPHAN JENKINS, THIRD EYE BLIND,
28 INC., 3EB TOURING, INC. and STEPHAN
JENKINS PRODUCTIONS, INC.

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[PROPOSED] ORDER

PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED. (as modified)
The Status Conference is reset from 12/14/12 at 2:30 p.m. to 1/24/13 at 1:30 p.m. An updated
joint CMC statement shall be filed by 1/17/12.
Dated: December 10, 2012



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CERTIFICATE OF SERVICE

I, Mitchell B. Greenberg, attorney of record for defendants Stephan Jenkins, Bradley Hargreaves, Third Eye Blind, Inc., 3EB Touring, Inc., Stephan Jenkins Publishing, Inc., do hereby certify that on December 10, 2012, I electronically filed the foregoing **“STIPULATION RE CROSS-COMPLAINANTS’ MOTION FOR LEAVE TO FILE AMENDED CROSS-COMPLAINT AND CROSS-DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT AS TO CROSS-COMPLAINANTS; [PROPOSED] ORDER”** with the Clerk of the Court using the electronic case filing system, which will send notifications of this filing to all parties registered with the Court’s electronic case filing system.

Dated: December 10, 2012.

ABBEY, WEITZENBERG, WARREN & EMERY

By: /s/ Mitchell B. Greenberg
Mitchell B. Greenberg
Attorneys for Defendants

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