

1 ABBEY, WEITZENBERG, WARREN & EMERY  
 2 MITCHELL B. GREENBERG, Esq., State Bar 114878  
 3 STEPHANIE WALKER, Esq., State Bar 252464  
 4 100 Stony Point Road, Suite 200  
 5 Post Office Box 1566  
 6 Santa Rosa, CA 95402-1566  
 7 Telephone: 707-542-5050  
 8 Facsimile: 707-542-2589

9 Attorneys for Defendants  
 10 STEPHAN JENKINS, an Individual;  
 11 BRADLEY HARGREAVES, an Individual;  
 12 THIRD EYE BLIND, INC.; 3EB TOURING, INC.  
 13 STEPHAN JENKINS PRODUCTIONS, INC.;  
 14 3EB PUBLISHING and EMI BLACKWOOD MUSIC, INC.

11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

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

Case No.: C 11-03232 EMC  
 Related Case No.: CV-11-00211  
 EMC

**STIPULATION AND  
 [PROPOSED] ORDER  
 CONTINUING CASE  
 MANAGEMENT CONFERENCE**

23 This Stipulation is entered into by and between all of the parties to the above  
 24 action through their undersigned attorneys:

25 WHEREAS, this case was transferred from the Central District of California  
 26 to the Northern District of California by Order dated June 6, 2011; and

27 WHEREAS, this case was reassigned to Judge Hon. Edward M. Chen by  
 28 Order dated August 3, 2011;

ABBEY, WEITZENBERG, WARREN & EMERY, P.C.  
 100 Stony Point Road, Suite 200, P.O. Box 1566, Santa Rosa, CA 95402-1566  
 Telephone: (707) 542-5050 Facsimile (707) 542-2589

1 WHEREAS, Judge Chen entered an Order on August 3, 2011 finding that  
2 this case is related to the case also pending before Judge Chen, *Stephan Jenkins, et*  
3 *al. v. Thomas Irving Mandelbaum, et al.* CV-11-0211 EMC (“The Jenkins v.  
4 Mandelbaum Case”).

5 WHEREAS, the parties to this action agreed to mediate both this case and the  
6 Jenkins v. Mandelbaum Case before the Hon. Judge Scott Snowden (Ret.) of  
7 JAMS; and

8 WHEREAS, the two cases were mediated over a two-day period, July 12 and  
9 13, 2011; and

10 WHEREAS, since the parties were still working on settlement at the  
11 conclusion of the second day of mediation, and jointly believed that additional time  
12 was needed to complete the mediation process and attempt to negotiate a global  
13 resolution of this action and The Jenkins v. Mandelbaum Case, the parties in each  
14 case requested that the Court continue the Case Management Conference; and

15 WHEREAS, the Court did continue the Case Management Conference in this  
16 action, per Order dated August 3, 2011, to November 7, 2011, which is the same  
17 date as the new Case Management Conference in The Jenkins v. Mandelbaum  
18 Case; and

19 WHEREAS, after the Case Management Conference was continued to  
20 November 7, 2011, both Plaintiff Anthony Fredianelli, and Defendants David  
21 Rawson and Zeisler, Zeisler, Rawson & Johnson, LLP, substituted out of this case  
22 their attorneys who had participated in the July mediation, for new attorneys. The  
23 parties are still working on settlement and have scheduled an additional mediation  
24 session in this case for November 16, 2011; and

25 WHEREAS, if for any reason this case does not settle through these  
26 mediation efforts, the parties agree that a trial date and discovery schedule will need  
27 to be set at the upcoming and continued Case Management Conference, since the  
28

1 parties have not engaged in any formal discovery other than limited third party  
2 document subpoenas, focusing, rather, on mediation of the case;

3 NOW THEREFORE, the parties jointly agree to continue the Case  
4 Management Conference now set for November 7, 2011, for at least 90 days to a  
5 date after January 30, 2012, and further agree that this stipulation shall extend the  
6 date of filing of the Joint Case Management Statement to be filed in the above  
7 stated Court pursuant to Local Rule 16-9 and FRCP 26(f), and continue the  
8 mediation completion date for 90 days or until February 29, 2012.

9  
10 ABBEY, WEITZENBERG, WARREN  
& EMERY PC

11  
12 Dated: October 27, 2011.

13 By: /s/ Mitchell B. Greenberg  
14 Mitchell B. Greenberg  
15 *Attorneys for Defendants Stephan*  
16 *Jenkins, Bradley Hargreaves, Third*  
17 *Eye Blind, Inc., 3EB Touring, Inc.,*  
18 *Stephan Jenkins Productions, Inc.,*  
19 *3EB Publishing, and EMI Blackwood*  
20 *Music, Inc.*

21  
22 JENKINS, GOODMAN, NEUMAN &  
23 HAMILTON, LLP

24  
25 Dated: October 27, 2011.

26 By: /s/ Tom Prountzos  
27 Tom Prountzos  
28 *Attorneys for Defendants David*  
*Rawson and Zeisler, Zeisler*  
*Rawson & Johnson, LLP*

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FOLEY, BEZEK, BEHLE & CURTIS, LLP

Dated: October 27, 2011.

By:           /s/ Roger N. Behle, Jr.            
Roger N. Behle, Jr.  
Justin P. Karczag  
*Attorneys for Plaintiff Anthony  
Fredianelli*

MURPHY, PEARSON, BRADLEY &  
FEENEY

Dated: October 27, 2011.

By:           /s/ James A. Murphy            
James A. Murphy  
*Attorneys for Defendant Hiscock &  
Barclay, LLP*

MOUND COTTON WOLLAN &  
GREENGRASS

Dated: October 27, 2011.

By:           /s/ Sanjit Shah            
Kenneth M. Labbate  
Sanjit Shah  
*Attorneys for Defendant Thomas I.  
Mandelbaum*

**ATTESTATION OF CONCURRENCE**

I, Mitchell B. Greenberg, as the ECF user and filer of this document, attest  
that, pursuant to General Order No. 45(X)(B), concurrence in the filing of this

ABBEY, WEITZENBERG, WARREN & EMERY, P.C.  
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document has been obtained from Tom Prountzos, Roger Behle, Sanjit Shah and James Murphy, the above signatories.

ABBEY, WEITZENBERG, WARREN & EMERY, PC

Dated: October 27, 2011.

By: /s/ Mitchell B. Greenberg  
Mitchell B. Greenberg  
*Attorneys for Defendants Stephan Jenkins, Bradley Hargreaves, Third Eye Blind, Inc., 3EB Touring, Inc., Stephan Jenkins Productions, Inc., 3EB Publishing, and EMI Blackwood Music, Inc.*

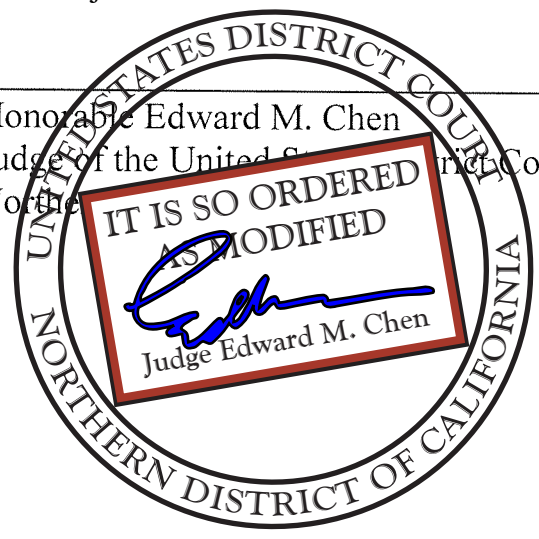
**[PROPOSED] ORDER**

PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED.

CMC is reset from 11/7/11 to 3/9/12 at 10:30 a.m. A joint CMC Statement shall be filed by 3/2/12.

Dated: 10/31/11.

Honorable Edward M. Chen  
Judge of the United States District Court  
Northern District of California



1 CERTIFICATE OF SERVICE

2 I, Mitchell B. Greenberg, attorney of record for defendants Stephan Jenkins, Bradley  
3 Hargreaves, Third Eye Blind, Inc., 3EB Touring, Inc., Stephan Jenkins Productions, Inc., 3 EB  
4 Publishing and EMI Blackwood Music, Inc., do hereby certify that on October 27, 2011, I  
5 electronically filed the foregoing "STIPULATION AND [PROPOSED] ORDER  
6 CONTINUING CASE MANAGEMENT CONFERENCE" with the Clerk of the Court using  
7 the electronic case filing system, which will send notifications of this filing to all parties  
8 registered with the Court's electronic case filing system.

9 Dated: October 27, 2011.

ABBEY, WEITZENBERG, WARREN & EMERY

10 By:                         /s/ Mitchell B. Greenberg                        

11 Mitchell B. Greenberg  
12 Mitchell B. Greenberg  
13 *Attorneys for Defendants Stephan Jenkins,*  
14 *Bradley Hargreaves, Third Eye Blind, Inc.,*  
15 *3EB Touring, Inc., Stephan Jenkins*  
16 *Productions, Inc., 3EB Publishing and EMI*  
17 *Blackwood Music, Inc.*

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