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15 Attorneys for Defendants  
 16 SONY PICTURES ENTERTAINMENT INC;  
 COLUMBIA PICTURES INDUSTRIES, INC.;  
 17 PARIAH; DAVID KOEPP; JOHN KAMPS

18 **UNITED STATES DISTRICT COURT**  
 19 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

20 JOE QUIRK,  
 21  
 22 Plaintiff,  
 23 v.  
 24 SONY PICTURES ENTERTAINMENT  
 25 INC., et al.,  
 26 Defendants.

Case No. CV 11-03773 RS

**JOINT STIPULATION AND  
 [PROPOSED] ORDER TO TAKE  
 DEFENDANTS' MOTION TO DISMISS  
 OFF CALENDAR TO PERMIT  
 PLAINTIFF TO FILE SECOND  
 AMENDED COMPLAINT**

Trial Date: None Set  
 FAC Filed: September 28, 2011  
 Hearing Date: December 8, 2011

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1           WHEREAS, Plaintiff filed his First Amended Complaint on September 28, 2011,  
2 which added a claim for relief for breach of implied contract that was not included in  
3 Plaintiff's original Complaint;

4           WHEREAS, Defendants filed a motion to dismiss the breach of implied contract claim  
5 for relief on October 21, 2011, which currently is set for hearing on December 8, 2011;

6           WHEREAS, Plaintiff's counsel has informed Defendants' counsel that Plaintiff's  
7 counsel has recently come into possession of additional information that Plaintiff would like to  
8 include in his allegations before the Court rules on any motion to dismiss the breach of  
9 implied contract claim for relief; and

10           WHEREAS, the Parties wish to enable the Court to avoid having to review and rule on  
11 Defendants' pending motion to dismiss, given Plaintiff's stated preference to file an amended  
12 pleading.

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14 **IT IS HEREBY STIPULATED AND AGREED** that:

15           1.       The hearing on Defendants' Motion to Dismiss Plaintiff's Breach of Implied  
16 Contract Claim will be taken off-calendar;

17           2.       Plaintiff shall file a Second Amended Complaint on or before November 28,  
18 2011;

19           3.       Defendants shall have until no later than December 19, 2011, to file a  
20 responsive pleading to the Second Amended Complaint; and

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1           4.       The date for the Initial Case Management Conference, set for January 12, 2012,  
2 shall remain unchanged.

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4 DATED: November 14, 2011

VALLE MAKOFF LLP  
JEFFREY T. MAKOFF  
HEATHER A. LANDIS

6 By \_\_\_\_\_ /s/  
HEATHER A. LANDIS

8 Attorneys for Plaintiff  
JOE QUIRK

9  
10 DATED: November 14, 2011

CALDWELL LESLIE & PROCTOR, PC  
CHRISTOPHER G. CALDWELL  
ANDREW ESBENSHADE  
ALBERT GIANG

13 By \_\_\_\_\_ /s/  
CHRISTOPHER G. CALDWELL

15 Attorneys for Defendants  
SONY PICTURES ENTERTAINMENT INC;  
COLUMBIA PICTURES INDUSTRIES, INC.;  
16 PARIAH; DAVID KOEPP; JOHN KAMPS

18 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

19  
20 Dated: November 15, 2011

  
\_\_\_\_\_  
HONORABLE RICHARD SEEBORG  
District Court Judge

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