

1 JEFFREY T. MAKOFF (SBN 120004)  
 2 HEATHER A. LANDIS (SBN 267615)  
 3 MARIO R. NICHOLAS (SBN 273122)  
 VALLE MAKOFF LLP  
 4 2 Embarcadero Center, Suite 2370  
 San Francisco, California 94111  
 Telephone: (415) 986-8001  
 Facsimile: (415) 986-8003  
 5 Email: jmakoff@vallemakoff.com  
 hlandis@vallemakoff.com  
 6 mnicholas@vallemakoff.com

7 Attorneys for Plaintiff  
 8 Joe Quirk

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN FRANCISCO DIVISION

13 JOE QUIRK,

14 Plaintiff,

15 vs.

16 SONY PICTURES ENTERTAINMENT INC.,  
 17 et al.,

18 Defendants.

) Case No. 3:11-CV-03773 RS

) **STIPULATION AND**  
 ) **[PROPOSED] ORDER**  
 ) **REGARDING FILING OF**  
 ) **PLAINTIFF'S FOURTH**  
 ) **AMENDED COMPLAINT,**  
 ) **DEFENDANTS' RESPONSES**  
 ) **THERE TO AND AMENDED**  
 ) **SCHEDULE RE DISCOVERY**  
 ) **AND PRE-TRIAL DATES**  
 ) **[L.R. 6-1(b)]**

) Trial Date: March 25, 2013

) TAC Filed: February 23, 2012

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**STIPULATION AND [PROPOSED] ORDER REGARDING FILING OF  
 PLAINTIFF'S FOURTH AMENDED COMPLAINT, DEFENDANTS' RESPONSES  
 THERETO AND AMENDED SCHEDULE RE  
 DISCOVERY AND PRE-TRIAL DATES [L.R. 6-1(b)];  
 CASE NO. 3:11-CV-03773 RS**

1 Pursuant to Northern District of California Local Rule 6-1(b), plaintiff Joe Quirk  
2 (“plaintiff”) and defendants Sony Pictures Entertainment Inc. (“Sony”), Columbia Pictures  
3 Industries, Inc. (“Columbia”), Pariah, David Koepp and John Kamps (collectively,  
4 “defendants”) (plaintiff and defendants together, “stipulating parties”), by and through their  
5 undersigned attorneys, hereby stipulate as follows:

6 **STIPULATION**

7 A. WHEREAS, plaintiff intends to file a Fourth Amended Complaint which  
8 contains additional allegations related to the purported contents of the not-yet-released  
9 motion picture, “Premium Rush” (“Picture”), and a screenplay of “The Ultimate Rush,”  
10 written by Matt Healy;

11 B. WHEREAS, plaintiff and defendants stipulate to permit plaintiff to file his  
12 Fourth Amended Complaint upon the Court’s granting of the proposed sealing order and  
13 defendants to file any responsive pleadings to the Fourth Amended Complaint within ten  
14 days from the date plaintiff files an un-redacted version of the Fourth Amended Complaint  
15 under seal with the Court (as described below);

16 C. WHEREAS, the Court ordered defendants Columbia, Pariah, Koepp and  
17 Kamps to file an answer to plaintiff’s Third Amended Complaint on or before July 25,  
18 2012;

19 D. WHEREAS, the stipulating parties hereby agree that defendants Columbia,  
20 Pariah, Koepp and Kamps will not file an answer to the Third Amended Complaint at this  
21 time because plaintiff intends to file a Fourth Amended Complaint (but defendants will  
22 provide a list of affirmative defenses so that they can be used during discovery prior to the  
23 filing of defendants’ responsive pleadings);

24 E. WHEREAS, plaintiff and defendants previously stipulated to, and this Court  
25 entered, a Stipulated Protective Order requiring any documents related to the contents of the  
26 Picture and the final screenplay of the Picture (“Continuity Script”) to be filed under seal;

1 F. WHEREAS, given the need for the Fourth Amended Complaint to be filed  
2 under seal, plaintiff must first file, and this Court must first grant, a Stipulation and  
3 [Proposed] Order To Permit Plaintiff To File Portions Of The Fourth Amended Complaint  
4 Under Seal (“Proposed Sealing Order”), before plaintiff can electronically file an un-  
5 redacted version of the Fourth Amended Complaint under seal with the Court;

6 G. WHEREAS, plaintiff intends to file a Proposed Sealing Order on or before  
7 July 31, 2012;

8 H. WHEREAS, if the Court grants the Proposed Sealing Order, stipulating  
9 parties agree that all defendants shall have 10 days from the date that plaintiff electronically  
10 files an un-redacted version of the Fourth Amended Complaint under seal with the Court to  
11 file any responsive pleadings to the Fourth Amended Complaint;

12 I. WHEREAS, this stipulation is necessary to effectuate the terms of the  
13 Stipulated Protective Order entered by the Court on December 28, 2011 and will not result  
14 in prejudice to any party; and

15 J. WHEREAS, to avoid prejudice to any party from the assertion of additional  
16 allegations in the proposed Fourth Amended Complaint at this time, certain discovery and  
17 pre-trial dates need to be continued. Accordingly, plaintiff and defendants hereby stipulate  
18 and agree to modify the following schedule of discovery and certain pre-trial dates as  
19 follows:

- 20 • FACTUAL DISCOVERY CUT-OFF: From September 7, 2012 to September  
21 28, 2012;
- 22 • FACTUAL DISCOVERY MOTION FILING DEADLINE: From September  
23 14, 2012 to October 5, 2012;
- 24 • EXPERT DISCLOSURES AND FINAL REPORTS: From October 12, 2012  
25 to October 26, 2012;

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- REBUTTAL EXPERT DISCLOSURES AND FINAL REPORTS: From November 21, 2012 to December 3, 2012; and
- All other discovery and pre-trial dates shall remain unchanged.

**IT IS HEREBY STIPULATED:**

1. Plaintiff may file a Fourth Amended Complaint;
2. Plaintiff shall file a Proposed Sealing Order on or before July 31, 2012. If the Court grants the Proposed Sealing Order, defendants shall have 10 days from the date that plaintiff electronically files the un-redacted version of the Fourth Amended Complaint under seal with the Court to file any responsive pleadings to the Fourth Amended Complaint; and
3. The discovery and pre-trial dates are modified as set forth in paragraph J above.

**IT IS SO STIPULATED.**

Dated: July 25, 2012.

VALLE MAKOFF LLP

By: /s/ Heather A. Landis  
 Heather A. Landis  
 Attorneys for Plaintiff  
 Joe Quirk

Dated: July 25, 2012.

CALDWELL LESLIE & PROCTOR, PC

By: /s/ Albert Giang  
 Albert Giang  
 Attorneys for Defendants  
 Sony Pictures Entertainment Inc.; Columbia  
 Pictures Industries, Inc.; Pariah; David Koeppe;  
 and John Kamps

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

Dated: 7/26, 2012



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HONORABLE RICHARD SEEBORG  
District Court Judge