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

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| <p>13 JOE QUIRK,</p> <p>14 Plaintiff,</p> <p>15 vs.</p> <p>16 SONY PICTURES ENTERTAINMENT INC., et al.,</p> <p>17 Defendants.</p> | <p>) Case No. C 11-03773 RS</p> <p>) PROPOSED ORDER AND</p> <p>) STIPULATION TO EXTEND THE</p> <p>) BRIEFING SCHEDULE RE</p> <p>) DEFENDANTS' MOTION FOR</p> <p>) SUMMARY JUDGMENT</p> <p>) [L.R. 6-2, 7-2]</p> <p>) Trial Date: March 25, 2013</p> <p>) MSJ Filed: Sept. 27, 2012</p> <p>) Current Opp Deadline: Oct. 11, 2012</p> <p>) Current Reply Deadline: Oct. 18, 2012</p> <p>) Current Hearing Date: Nov. 1, 2012</p> <p>) Proposed Opp Deadline: Nov. 6, 2012</p> <p>) Proposed Reply Deadline: Nov. 15, 2012</p> <p>) Proposed Hearing Date: Nov. 29, 2012</p> |
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**~~PROPOSED~~ ORDER AND STIPULATION TO EXTEND THE BRIEFING
 SCHEDULE RE DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
 [L.R. 6-2, 7-2]; CASE NO. 3:11-CV-03773 RS**

1 Pursuant to Northern District of California Local Rules 6-2 and 7-2, Plaintiff Joe
2 Quirk (“plaintiff”) and defendants Sony Pictures Entertainment Inc. (“Sony”), Columbia
3 Pictures 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, on September 27, 2012, defendants filed and served a Motion
8 for Summary Judgment on plaintiff’s copyright-based First, Second, Third, and Fifth
9 Claims for Relief (“Motion”). Under the schedule set by the Court, any opposition to the
10 Motion was due on October 11, 2012, any reply was due by October 18, 2012, and the
11 hearing was set for November 1, 2012;

12 B. WHEREAS, stipulating parties agreed that plaintiff would not be required to
13 file his opposition brief on October 11, 2012 so that the parties could work out a stipulation
14 regarding the briefing schedule for the Motion;

15 C. WHEREAS, the deadline for expert disclosures and final reports is October
16 26, 2012;

17 D. WHEREAS, plaintiff seeks to receive the final expert report from Mark Rose,
18 defendants’ expert who submitted a declaration in support of the Motion, prior to filing and
19 serving his opposition to the Motion. Plaintiff additionally seeks to schedule the expert
20 deposition of Mr. Rose prior to filing and serving plaintiff’s opposition to the Motion;

21 E. WHEREAS, defendants agree that Mr. Rose will be made available for his
22 expert deposition on October 30, 2012, before plaintiff’s opposition brief is due;

23 F. WHEREAS, the parties agree to extend the briefing and hearing schedule for
24 the Motion such that any opposition would be due by November 6, 2012; any reply would
25 be due by November 15, 2012; and the hearing would be continued until November 29,
26 2012 at 1:30 p.m.;

1 G. WHEREAS, the commentary to N.D. Cal. Local Rule 7-2 encourages parties
2 to stipulate and seek a Court order establishing longer schedules for briefing and hearing
3 complex motions;

4 H. WHEREAS, the dispositive motion hearing cut-off is not until January 24,
5 2013; and

6 I. WHEREAS, the parties have not previously sought an extension of the
7 briefing and hearing schedule for the Motion, the parties would not be prejudiced by the
8 extension requested and the extension requested would not impact other scheduled dates in
9 this matter.

10 **IT IS HEREBY STIPULATED:**

11 That the briefing schedule and the hearing schedule for the Motion be modified as
12 follows:

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- 14 • Any opposition to the Motion will be due by November 6, 2012;
 - 15 • Any reply in support of the Motion will be due by November 15, 2012; and
 - 16 • The hearing on the Motion will be continued until November 29, 2012 at 1:30
17 p.m.

18 **IT IS SO STIPULATED.**

19 Dated October 12, 2012

Valle Makoff LLP

By: /s/ Heather A. Landis

Heather A. Landis

Attorneys for Plaintiff Joe Quirk

22 Dated October 12, 2012

CALDWELL LESLIE & PROCTOR, PC

By: /s/ Albert Giang

Albert Giang

Attorneys for Defendants

Sony Pictures Entertainment Inc.; Columbia

Pictures Industries, Inc.; Pariah; David Koepp; and

John Kamps

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

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3 Dated: October 23, 2012



4 HONORABLE RICHARD SEBORG
5 District Court Judge

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