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 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
 17 INC., et al.,

18 Defendants.

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

) **STIPULATION AND ~~PROPOSED~~**
) **ORDER TO PERMIT PLAINTIFF TO**
) **FILE A FIFTH AMENDED**
) **COMPLAINT TO ADD DEFENDANT**
) **KOEPP'S "LOAN-OUT COMPANY"**
) **AS A DEFENDANT**
) **[L.R. 6-1(b)]**

) Trial Date: March 25, 2013

) Fourth Amended Complaint Filed: 8/2/12

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**STIPULATION AND ~~PROPOSED~~ ORDER TO PERMIT PLAINTIFF TO FILE A
 FIFTH AMENDED COMPLAINT TO ADD DEFENDANT KOEPP'S "LOAN-OUT
 COMPANY" AS A DEFENDANT [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:

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7 **STIPULATION**

8 A. WHEREAS, plaintiff intends to file a Fifth Amended Complaint to add
9 defendant, DGK, Inc., defendant Koepp’s “loan-out company,” to all claims for relief in the
10 above-entitled action based upon information obtained in discovery;

11 B. WHEREAS, while defendants deny that there is any basis for any of the
12 claims against any defendants, including the loan-out company, defendants have agreed to
13 permit plaintiff to file his Fifth Amended Complaint and to add DGK, Inc. as a defendant to
14 all claims for relief alleged in the Complaint, on the terms and conditions described below;

15 **IT IS HEREBY STIPULATED:**

16 1. Plaintiff may file his Fifth Amended Complaint to add defendant DGK, Inc.
17 as a defendant to all claims for relief alleged in the Complaint;

18 2. Discovery shall not reopen, and no new additional discovery shall be taken,
19 other than the newly added party making disclosures under Federal Rule of Civil Procedure
20 26, and any expert discovery that is timely as of the date of the filing of the Fifth Amended
21 Complaint;

22 3. The filing of the Fifth Amended Complaint shall not affect the pending
23 motion for summary judgment filed by defendants, or any future motion for summary
24 judgment that may be filed (any order on the pending or any future motion for summary
25 judgment relating to defendant Koepp shall also apply to DGK, Inc.); and

26 4. Defendants’ counsel of record has agreed to accept service of the Fifth
27 Amended Complaint on behalf of defendant DGK, Inc. by electronic mail; and
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1 5. No deadlines in this case shall be affected by the filing of the Fifth Amended
2 Complaint.

3 **IT IS SO STIPULATED.**

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5 Dated: November 28, 2012.

VALLE MAKOFF LLP

6 By: /s/ Heather A. Landis

7 Heather A. Landis
8 Attorneys for Plaintiff
9 Joe Quirk

10
11 Dated: November 28, 2012.

CALDWELL LESLIE & PROCTOR, PC

12 By: /s/ Andrew Esbenshade

13 Andrew Esbenshade
14 Attorneys for Defendants
15 Sony Pictures Entertainment Inc.; Columbia
16 Pictures Industries, Inc.; Pariah; David Koeppe;
17 and John Kamps

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

19
20 Dated: 11/28, 2012

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22 _____
23 HONORABLE RICHARD SEEBORG
24 District Court Judge
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