

1 GLENN D. POMERANTZ (SBN 112503)
 glenn.pomerantz@mto.com
 2 MUNGER, TOLLES & OLSON LLP
 355 South Grand Avenue, Thirty-Fifth Floor
 3 Los Angeles, California 90071-1560
 Telephone: (213) 683-9100
 4 Facsimile: (213) 687-3702

5 KELLY M. KLAUS (SBN 161091)
 kelly.klaus@mto.com
 6 ACHYUT J. PHADKE (SBN 261567)
 achyut.phadke@mto.com
 7 ADAM I. KAPLAN (SBN 268182)
 adam.kaplan@mto.com
 8 MUNGER, TOLLES & OLSON LLP
 560 Mission Street, Twenty-Seventh Floor
 9 San Francisco, California 94105-2907
 Telephone: (415) 512-4000
 10 Facsimile: (415) 512-4077

11 *Attorneys for Defendants Motion Picture*
Association of America, Inc., Walt Disney
 12 *Studios Motion Pictures, Paramount Pictures*
Corporation, Sony Pictures Entertainment Inc.,
 13 *Twentieth Century Fox Film Corporation,*
 14 *Universal City Studios LLC, and Warner Bros.*
Entertainment Inc.

K. LEE MARSHALL (SBN 277092)
 klmarshall@bryancave.com
 ROGER MYERS (SBN 146164)
 roger.myers@bryancave.com
 ALEXANDRA WHITWORTH (SBN 303046)
 alex.whitworth@bryancave.com
 BRYAN CAVE LLP
 560 Mission Street, 25th Floor
 San Francisco, California 94105
 Tel: (415) 675-3400 /Fax: (415) 675-3434

*Attorneys for Defendant National Association
of Theatre Owners*

DAVID SCHACHMAN (*Pro Hac Vice*)
ds@schachmanlaw.com
LAW OFFICES OF DAVID SCHACHMAN,
P.C.
55 West Monroe Street, Suite 2970
Chicago, Illinois 60603
Tel: (312) 427-9500/Fax: (312) 268-2425

Attorneys for Plaintiff Timothy Forsyth

15 **UNITED STATES DISTRICT COURT**

16 **NORTHERN DISTRICT OF CALIFORNIA**

17 TIMOTHY FORSYTH, individually and on behalf of a
 18 class of similarly situated individuals,

19 Plaintiff,

20 vs.

21 MOTION PICTURE ASSOCIATION OF
 AMERICA, INC., WALT DISNEY STUDIOS
 22 MOTION PICTURES, PARAMOUNT
 PICTURES CORPORATION, SONY
 PICTURES ENTERTAINMENT INC.,
 23 TWENTIETH CENTURY FOX FILM
 CORPORATION, UNIVERSAL CITY
 24 STUDIOS LLC, WARNER BROS.
 ENTERTAINMENT INC., and NATIONAL
 25 ASSOCIATION OF THEATRE OWNERS,

26 Defendants.

Case No. 3:16-cv-00935-RS

**STIPULATION AND
~~PROPOSED~~ ORDER RE
 [1] DEFENDANTS' REPLY IN
 SUPPORT OF SPECIAL
 MOTION TO STRIKE
 PLAINTIFFS' ACTION
 PURSUANT TO CALIFORNIA'S
 ANTI-SLAPP STATUTE AND
 MOTION TO DISMISS, AND
 [2] HEARING DATE FOR
 SPECIAL MOTION TO STRIKE**

Judge: Hon. Richard Seeborg

1 In support of their joint stipulation regarding the hearing on and reply brief in support of
2 Defendants' special motion to strike and motion to dismiss, Plaintiff Timothy Forsyth and
3 Defendants Motion Picture Association of America Inc., Walt Disney Studios Motion Pictures,
4 Paramount Pictures Corporation, Sony Pictures Entertainment Inc., Twentieth Century Fox Film
5 Corporation, Universal City Studios LLC, Warner Brothers Entertainment Inc., and the National
6 Association of Theatre Owners, by and through their undersigned counsel of record, recite as
7 follows:

8 A. On April 29, 2016, Defendants filed joint motions to strike Plaintiff's entire action
9 pursuant to California's anti-SLAPP statute, in Code of Civil Procedure § 425.16, and to dismiss
10 Plaintiff's entire action pursuant to Federal Rule of Civil Procedure 12(b)(6), and Defendant
11 National Association of Theater Owners filed a supplemental brief in support of same.

12 B. Pursuant to the parties' May 15, 2016 stipulation (ECF No. 39), and the Court's May
13 17, 2016 order approving that stipulation (ECF No. 40), Plaintiff's Opposition brief was due on or
14 before July 15, 2016, and was not to exceed 40 pages of text (rather than the 25-page limit under
15 the local rules).

16 C. Also pursuant to the parties' May 15, 2016 stipulation, the parties agreed that,
17 following the filing of Plaintiff's Opposition, the parties would meet and confer regarding the date
18 by which Defendants would file their Reply brief(s), the page limit for the Reply brief(s), and a
19 hearing date for the motions. The parties agreed in the stipulation that they would propose a
20 hearing date no earlier than three weeks after the filing of the Reply brief(s).

21 D. The parties met and conferred by telephone and email regarding these issues over
22 several days, and agreed that Defendants' deadline to file a Reply in support of their motion to
23 strike and motion to dismiss should be September 15, 2016. The additional time is necessary
24 based on (i) the number of issues that Defendants are required to address in replying to Plaintiff's
25 Opposition and (ii) Defendants' counsel's work and vacation schedules in August. Upon
26 reviewing the Court's calendar, the parties also agreed that October 27, 2016, was the most
27 mutually convenient available hearing date. This date was selected because all parties are
28 available on that date, and the Court is not available on October 6 and 20. The parties further

1 agreed that, in order to address Plaintiff's Opposition, Defendants' Reply brief(s) should be
2 allowed to exceed the 15-page limit set by local rules, but shall not exceed 25 pages of text. While
3 the Defendants will endeavor to file a single Reply brief, to the extent that they file more than one
4 brief, the collective pages will not exceed 25.

5 E. The parties also conferred and agreed that, for the sake of efficiency, the upcoming case
6 management conference should be continued to the same date and time as the hearing on
7 Defendants' motion to strike and motion to dismiss. The case management conference is currently
8 scheduled for September 22, 2016. (ECF No. 41.)

9 NOW, THEREFORE, the parties hereby stipulate that, subject to the Court's approval:

10 1. Defendants' special motion to strike Plaintiff's action pursuant to California's anti-
11 SLAPP statute, in Code of Civil Procedure § 425.16, and Defendant's motion to dismiss Plaintiff's
12 action pursuant to Federal Rule of Civil Procedure 12(b)(6), will be heard on October 27, 2016, at
13 1:30 p.m.;

14 2. Defendants' Reply brief(s) is due on or before September 15, 2016, and shall not
15 exceed 25 combined pages of text (exclusive of caption page and tables);

16 3. The case management conference currently scheduled for September 22, 2016, shall be
17 continued to October 27, 2016, at 1:30 p.m.

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19 IT IS SO STIPULATED.

20 DATED: July 29, 2016

LAW OFFICES OF DAVID SCHACHMAN, P.C.

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By: /s/ David Schachman
DAVID SCHACHMAN

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Attorneys for Plaintiff Timothy Forsyth

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