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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Grateful Dead Productions, et al.,  
Plaintiffs,  
v.  
William Sagan, et al.,  
Defendants.

NO. C 06-07727 JW

**ORDER DIRECTING PARTIES TO  
CLARIFY OPERATIVE CAUSES OF  
ACTION IN ADVANCE OF NOVEMBER  
17 HEARING**

Between October 20 and October 21, 2008, a number of the parties to this action filed a total of seven stipulations of dismissal, pursuant to the terms of confidential settlement agreements reached between those parties.<sup>1</sup> Nonetheless, there are still two motions to dismiss pending before the Court, both of which are set to be heard on November 17, 2008.<sup>2</sup> Given the numerous parties and claims involved in this case, the Court seeks clarification on the impact of the settlement agreements on the pending motions to dismiss.

Accordingly, on or before **October 31, 2008**, the parties shall file a Joint Statement, in which the parties shall identify the remaining parties to this action, and articulate those parties' relationships to each remaining cause of action. In doing so, the parties shall make clear which, if any, aspects of their motions to dismiss have been mooted by the stipulations of dismissal.

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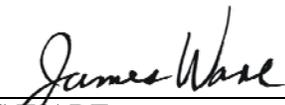
<sup>1</sup> (See Docket Item Nos. 204, 205, 206, 207, 208, 209, 210.)

<sup>2</sup> (Defendants' Motion to Dismiss Plaintiffs' Eleventh and Twelfth Claims, Docket Item No. 186; Plaintiffs' Motion to Dismiss Defendants' Fourth, Seventh, Eighth, Ninth, Tenth, and Eleventh Counterclaims, Docket Item No. 188.)

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In addition, on or before **November 12, 2008 at 3 p.m.**, the moving parties shall deliver to the Court, by way of the Clerk's Office, a tabbed three ring binder containing (1) the opening brief, (2) the opposition, (3) the reply, and any supporting declarations and documents upon which they intend to rely upon at the November 17 hearing.

Dated: October 29, 2008

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

- 2 Andrew P. Bridges abridges@winston.com
- 3 Erin Rose Ranahan eranahan@winston.com
- 4 Jeffrey Harlan Reeves jreeves@gibsondunn.com
- 5 Jennifer A. Golinveaux jgolinveaux@winston.com
- 6 Joshua Aaron Jessen jjessen@gibsondunn.com
- 7 Laura Marie Sturges lsturges@gibsondunn.com
- 8 Michael S. Elkin melkin@winston.com
- 9 Rebecca Yuan Lawlor rcalkins@winston.com
- 10 Susan Ashlie Beringer aberinger@gibsondunn.com
- 11 Thomas P. Lane tlane@winston.com
- 12 Tracy Lorraine Marchant Tmarchant@gibsondunn.com

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15 **Dated: October 29, 2008**

**Richard W. Wieking, Clerk**

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**By:           /s/ JW Chambers**  
**Elizabeth Garcia**  
**Courtroom Deputy**