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 Monte Morgan

12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14

15 MONTE MORGAN, on behalf of himself and )  
 16 all others similarly situated, )

17 Plaintiffs, )

18 vs. )

19 HARMONIX MUSIC SYSTEMS, INC., a )  
 corporation; MTV NETWORKS, a division of )  
 20 VIACOM INTERNATIONAL, INC., a )  
 corporation; ELECTRONIC ARTS INC., a )  
 21 corporation; and DOES Through 10, )

22 Defendants. )  
 23 )  
 24 )

Case No. CV 08 5211 BZ

[Case assigned to Hon. Bernard Zimmerman]

STIPULATION AND [PROPOSED]  
 ORDER TO EXTEND TIME TO RESPOND  
 TO COMPLAINT

Complaint Filed: November 18, 2008

1 WHEREAS Plaintiff Monte Morgan (“Plaintiff”) filed a Complaint against Harmonix  
2 Music Systems, Inc., MTV Networks, a division of Viacom International Inc., and Electronic Arts  
3 Inc. (collectively, “Defendants”) on November 18, 2008.

4 WHEREAS defendant Viacom International Inc. (“Viacom”), the first of the Defendants to  
5 be served, was served with the Complaint on November 25, 2008. Pursuant to Rule 12(a)(1) of  
6 the Federal Rules of Civil Procedure, Viacom’s response is due on December 15, 2008.  
7 Electronics Arts Inc. was served with the Complaint on November 25, 2008 and its response is  
8 due on December 15, 2008. Harmonix Music Systems, Inc. was served on November 26, 2008,  
9 and its response is due on December 16, 2008.

10 WHEREAS counsel for the above-referenced parties agree that the time for Defendants to  
11 file a motion, answer, or otherwise respond to the Complaint shall be extended through close of  
12 business on January 15, 2009.

13 WHEREAS the extension will allow for a uniform response date to the Complaint, which  
14 the parties believe will serve the interests of judicial efficiency and conservation of resources.

15 IT IS HEREBY STIPULATED between the parties to this action, by and through their  
16 undersigned attorney, that:

17 1. The time for Defendants to file their response to the Complaint is extended through  
18 close of business on January 15, 2009. Following execution of this Stipulation, counsel for  
19 Defendants shall promptly file it with the Court.

20 2. Nothing herein amounts to or shall be construed as a waiver by any Defendant of  
21 any right to move to dismiss the Complaint filed in this action on any applicable grounds,  
22 including without limitation, for lack of personal jurisdiction.

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