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Monte Morgan and F. Jason Vasquez

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15

16 MONTE MORGAN and F. JASON)
VASQUEZ, on behalf of themselves and all)
17 others similarly situated,)
18 Plaintiffs,)
19 vs.)
20 HARMONIX MUSIC SYSTEMS, INC., a)
corporation; MTV NETWORKS, a division of)
21 VIACOM INTERNATIONAL, INC., a)
corporation; ELECTRONIC ARTS INC., a)
22 corporation; and DOES Through 10,)
23 Defendants.)
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Case No. CV 08 5211 BZ
Case assigned to Hon. Bernard Zimmerman
JOINT MOTION FOR ADMINISTRATIVE
RELIEF RE: FOUR WEEK CONTINUANCE
OF THE MAY 18, 2009 INITIAL CASE
MANAGEMENT CONFERENCE AND
FOUR WEEK EXTENSION OF INITIAL
DISCLOSURE AND CASE MANAGEMENT
DEADLINES AND OF TIME TO RESPOND
TO FIRST AMENDED COMPLAINT
Complaint Filed: November 18, 2008
First Amended Complaint Filed:
December 23, 2008

1 Pursuant to Northern District Local Rules 7-11 and 7-12, Plaintiffs Monte Morgan and
2 F. Jason Vasquez (“Plaintiffs”) and defendants Harmonix Music Systems, Inc., MTV Networks, a
3 division of Viacom International Inc., and Electronic Arts Inc. (collectively, “Defendants”),
4 through their respective counsel, hereby jointly request that the Court continue the Initial Case
5 Management Conference, currently scheduled for May 18, 2009, until June 15, 2009 (four weeks),
6 or until such time thereafter as is convenient for the Court; that the Court grant a four week
7 extension to each of the deadlines set forth in the Court’s March 13, 2009 Order Granting Joint
8 Motion For Administrative Relief Re: Four Week Continuance Of The April 13, 2009 Initial Case
9 Management Conference And Extension Of Initial Disclosure And Case Management Deadlines
10 And Of Time To Respond To First Amended Complaint (“March 13 Order”), including a four
11 week extension of Defendants’ time to respond to the First Amended Complaint, through May 11,
12 2009. A copy of the March 13 Order is attached hereto as Exhibit A.

13 This Motion is based on the concurrently filed Joint Stipulation To Extend Initial
14 Disclosure And Case Management Deadlines And Time To Respond To First Amended
15 Complaint, all pleadings and papers on file in this action, and facts of which the Court may take
16 judicial notice.

17 As set forth in the Joint Stipulation, the parties believe that a four-week continuance of the
18 Initial Case Management Conference, to June 15, 2009, and a four week extension of the deadlines
19 set forth in the March 13 Scheduling Order, including a four week extension of the Defendants’
20 time to respond to the First Amended Complaint until May 11, will serve the interest of judicial
21 economy and efficiency. The parties have been in communication regarding a possible resolution
22 of this case and have needed to conduct factual research relating to the parameters of possible
23 settlement. The parties believe that these discussions could result in a resolution of some or all of
24 the claims asserted by Plaintiffs and may substantially affect the parties’ initial disclosures and the
25 issues to be addressed in the Joint Case Management Statement and Rule 26 disclosures, and,
26 accordingly, that an extension will enable a more productive Initial Case Management Conference.

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1 For the foregoing reasons, the parties respectfully request that the Court's Scheduling
 2 Order be modified as follows:

<u>Event</u>	<u>Date per Mar. 13 Order</u>	<u>Modified Date</u>
Last day to: • meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan • file ADR Certification signed by Parties and Counsel • file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference	April 20, 2009	May 18, 2009
Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement	May 4, 2009	June 1, 2009
INITIAL CASE MANAGEMENT CONFERENCE	May 18, 2009 4:00 PM, Courtroom G	June 15, 2009 4:00 PM, Courtroom G

11 In addition, the parties respectfully request that the Defendants' time to respond to the First
 12 Amended Complaint be extended four weeks, from April 13, 2009 to May 11, 2009.

13 A Proposed Order granting this motion and adopting the parties' Stipulation is filed
 14 concurrently herewith.

16 Dated: April 7, 2009

IRELL & MANELLA LLP
 Richard B. Kendall
 Richard M. Simon
 Julie A. Mandelsohn

By: /s/ Richard B. Kendall
 Richard B. Kendall*
 Attorneys for Defendants
 Harmonix Music Systems, Inc., Viacom
 International, Inc. & Electronic Arts Inc.

23 Dated: April 7, 2009

STRANGE & CARPENTER
 Brian R. Strange
 Gretchen Carpenter

By: /s/ Gretchen A. Carpenter
 Gretchen A. Carpenter
 Attorneys for Plaintiffs
 Monte Morgan & F. Jason Vasquez

1 * I, Richard B. Kendall, am the ECF user whose ID and password are being used to file this Joint
2 Motion. In compliance with General Order 45.X.B, I hereby attest that Gretchen A. Carpenter has
3 concurred with this filing.

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