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Attorneys for Defendants

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12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

15 STEPHANIE LENZ,

Plaintiff,

17 v.

18 UNIVERSAL MUSIC CORP., UNIVERSAL
 MUSIC PUBLISHING, INC., and
 19 UNIVERSAL MUSIC PUBLISHING
 GROUP,

Defendants.

Case No. C 07-03783-JF

**JOINT STIPULATION AND
 [PROPOSED] ORDER RE CASE
 MANAGEMENT SCHEDULE**

Judge: The Hon. Jeremy Fogel

1 Plaintiff Stephanie Lenz (“Plaintiff”) and Defendants Universal Music Corp., Universal
2 Music Publishing, Inc. and Universal Musical Publishing Group (“Defendants”), by and through
3 their respective counsel of record, hereby declare and stipulate as follows:

4 WHEREAS, on July 10, 2009, this Court adopted the following Case Management
5 Schedule:

- 6 a) Fact discovery cutoff: September 24, 2009
- 7 b) Designation of affirmative experts: October 15, 2009
- 8 c) Designation of rebuttal experts: November 16, 2009
- 9 d) Expert discovery cut-off: December 15, 2009
- 10 e) Last day to file dispositive motions: January 14, 2010
- 11 f) Pretrial conference: March 5, 2010
- 12 g) Trial: March 19, 2010;

13 WHEREAS, on September 14, 2009, pursuant to stipulation, the Court VACATED the
14 Case Management Schedule adopted on July 10, 2009, and ORDERED that, *inter alia*, upon
15 resolution of then-pending motions, the parties would meet and confer and submit a joint
16 statement seeking entry of a new Case Management Schedule, which would provide that:

- 17 a) No further written fact discovery beyond that propounded prior to September 3,
18 2009 will be propounded, and absent leave of court, no fact depositions that were
19 not noticed prior to September 3, 2009 will be taken;
- 20 b) A party may move for leave to take additional depositions, and the agreement in
21 (a) shall not preclude a party from making such a motion; and
- 22 c) Insofar as is practical, the deadlines in the new case management schedule for
23 deadlines after the close of fact discovery will roughly parallel the current
24 schedule in terms of days allowed for each task;

25 WHEREAS the parties have met and conferred about discovery scheduling in light of the
26 completion of all noticed depositions and of the Court’s September 14, 2009 Order,

27 WHEREAS, pursuant to Civil Local Rule 6-2(a)(1), the parties state that the time
28

1 modifications set forth below are requested for the purpose of establishing new deadlines in the
2 case to replace the deadlines that were vacated pursuant to stipulation by the Court's September
3 14, 2009 Order,

4 WHEREAS, pursuant to Civil Local Rule 6-2(a)(2), the parties disclose that there have
5 been eleven previous time modifications in this case (August 20, 2007 [Docket No. 8], October
6 11, 2007 [Docket No. 19], November 16, 2007 [Docket No. 26], April 30, 2008 [Docket No. 35],
7 August 29, 2008 [Docket No. 46], April 15, 2009 [Docket No. 63], September 9, 2009 [Docket
8 No. 166], September 14, 2009 [Docket No. 176], November 3, 2009 [Docket No. 206], March
9 25, 2009 [Docket No. 282], and April 2, 2010 [Docket No. 283]). These modifications related to
10 the briefing schedules and hearing dates for the prior Motions to Dismiss and Motion to Certify,
11 the briefing schedule for Plaintiff's Motion for a Protective Order, the date for the July 18, 2008
12 Case Management Conference, the briefing schedule for Plaintiff's Administrative Motion to
13 Modify the Case Management Schedule, the jointly stipulated modifications to the original Case
14 Management Schedule, the briefing schedule on Plaintiff's Motion for Summary Judgment, and
15 the hearing date on the parties' cross-motions to compel discovery,

16 WHEREAS, pursuant to Civil Local Rule 6-2(a)(3), the parties state that the requested
17 time modifications will have no effect on the current schedule for the case, because there
18 currently are no scheduled deadlines in the case,

19 **ACCORDINGLY, THE PARTIES STIPULATE AS FOLLOWS:**

20 [1] The following Case Management Schedule shall be entered:

- 21 a) Fact discovery cutoff: Monday, July 19, 2010, subject to the following:
- 22 i. No further written fact discovery beyond that propounded prior to September
23 3, 2009 will be propounded, and absent leave of court, no fact depositions that
24 were not noticed prior to September 3, 2009 will be taken;
- 25 ii. A party may move for leave to take additional depositions, and the agreement
26 in (a)(i) shall not preclude a party from making such a motion;
- 27 iii. Paragraphs [2] and [3] below.
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- b) Designation of affirmative experts: Monday, August 2, 2010
- c) Designation of rebuttal experts: Tuesday, September 7, 2010
- d) Expert discovery cutoff: Thursday, September 30, 2010
- e) Last day to file dispositive motions: Monday, October 18, 2010
- f) Last day to file oppositions to dispositive motions: Monday, November 8, 2010
- g) Last day to file replies in support of dispositive motions: Monday, November 22, 2010
- h) Hearing on dispositive motions: Friday, December 10, 2010
- i) Trial: On or after May 9, 2011, as set by the Court

[2] Entry of this stipulated Case Management Schedule shall be without prejudice to either party's right to seek modification of the entered Schedule based on good cause shown, including but not limited to modifications based on any further discovery that may be ordered by the Court.

[3] Each party reserves its right to contest any request for modification of the Schedule entered in [1], including but not limiting to arguing, if appropriate, that any further discovery ordered by the Court does not constitute good cause for modifying the entered Case Management Schedule.

IT IS SO STIPULATED.

Dated: July 15, 2010

KEKER & VAN NEST LLP

By: /s/ Melissa J. Miksch
MELISSA J. MIKSCH
Attorneys for Plaintiff
STEPHANIE LENZ

1 Dated: July 15, 2010

MUNGER, TOLLES & OLSON LLP

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By: /s/ Kelly M. Klaus*
KELLY M. KLAUS
Attorneys for Defendants
UNIVERSAL MUSIC CORP.,
UNIVERSAL MUSIC PUBLISHING,
INC. and UNIVERSAL MUSIC
PUBLISHING GROUP

**PURSUANT TO STIPULATION, IT IS SO ORDERED. TRIAL IS SET TO
BEGIN ON May 9, 2011.**

Dated:

By:  _____
HON. JEREMY FOGEL
United States District Judge

* Electronically signed by Plaintiff's counsel with the concurrence of Defendants' counsel. N.D.
Cal. G.O. 45 ¶ X.B.