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

16 STEPHANIE LENZ,
 17 Plaintiff,
 18 v.
 19 UNIVERSAL MUSIC CORP., UNIVERSAL
 20 MUSIC PUBLISHING, INC., and
 21 UNIVERSAL MUSIC PUBLISHING
 GROUP,
 22 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 ("Universal"), by and through
3 their respective counsel of record, hereby declare and stipulate as follows:

4 WHEREAS, the parties are currently briefing motions for summary judgment, with
5 oppositions due on November 8, 2010, replies on November 22, 2010, and a hearing set for
6 December 10, 2010;

7 WHEREAS, Magistrate Judge Trumbull on October 22, 2010 issued an order directing
8 Plaintiff to produce certain documents by November 8, 2010 and appear for further deposition on
9 by December 1, 2010, which documents and testimony had been previously withheld under a
10 claim of privilege that Universal argued Plaintiff had waived;

11 WHEREAS, Universal expects that the documents and deposition testimony ordered by
12 Magistrate Judge Trumbull will need to be incorporated into the briefing on the pending motions
13 for summary judgment;

14 WHEREAS, Universal believes that Magistrate Judge Trumbull's October 22, 2010
15 Order was correct;

16 WHEREAS, Plaintiff disagrees and intends to file a Motion for Relief from a Non-
17 Dispositive Pretrial Order ("Motion for Relief"), pursuant to Civil L.R. 72-2, arguing for
18 reversal of Magistrate Judge Trumbull's order;

19 WHEREAS, the parties have met and conferred on their respective positions and have
20 reached an agreement as to an orderly schedule for resolution of Plaintiff's Objections and their
21 respective motions for summary judgment;

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

23 [1] Plaintiff shall file her Motion for Relief from Magistrate Judge Trumbull's October
24 22, 2010 Order by **Tuesday, November 2, 2010;**

25 [2] Pending resolution of Plaintiff's Motion for Relief, Magistrate Judge Trumbull's
26 October 22, 2010 Order is **stayed;**

27 [3] The briefing schedule and December 10, 2010 hearing on the parties' respective
28 motions for summary judgment, filed on October 18, 2010, are **vacated;**

1 [4] Upon resolution of Plaintiff's Motion for Relief, if Magistrate Judge Trumbull's
2 Order is upheld, the parties will **meet and confer** regarding an appropriate schedule
3 for the required discovery, with a presumptive schedule of ten days for document
4 production and a deposition to follow within the next ten days, but subject to
5 reasonable adjustments to accommodate the holidays, and the schedules of counsel
6 and the parties;

7 [5] Upon resolution of Plaintiff's Motion for Relief, the parties will **meet and confer**
8 regarding an appropriate schedule for concluding the briefing of their respective
9 motions for summary judgment, with a presumptive schedule that oppositions will be
10 due two weeks after the additional discovery is complete, or two weeks after
11 resolution of the Motion for Relief if no further discovery is required, with replies due
12 two weeks after oppositions and a hearing set as soon as possible thereafter, but
13 subject to reasonable adjustments to accommodate the holidays, and the schedules of
14 counsel and the parties; and

15 **IN SUPPORT OF SAID STIPULATION,**

- 16 a) Pursuant to Civil Local Rule 6-2(a)(1), the parties state that the time
17 modifications set forth above are requested for the purpose of setting an orderly
18 schedule for resolution of Plaintiff's Motion for Relief and their respective
19 motions for summary judgment;
- 20 b) Pursuant to Civil Local Rule 6-2(a)(2), the parties disclose the following previous
21 time modifications in this case:
- 22 (1) August 20, 2007 (Docket No. 8), time to respond to first amended
23 complaint;
 - 24 (2) October 11, 2007 (Docket No. 19), briefing schedule on Universal's motion
25 to dismiss and special motion to strike;
 - 26 (3) November 16, 2007 (Docket No. 26), briefing schedule on Universal's
27 motion to dismiss and special motion to strike;
 - 28 (4) April 30, 2008 (Docket No. 35), time to respond to second amended

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- complaint;
 - (5) August 29, 2008 (Docket No. 46), time to respond to second amended complaint and briefing schedule for motion for to certify for interlocutory appeal;
 - (6) April 15, 2009 (Docket No. 63), briefing schedule for motion for protective order;
 - (7) September 9, 2009 (Docket No. 166), briefing schedule for administrative motion;
 - (8) September 14, 2009 (Docket No. 176), modifications to case management schedule;
 - (9) November 3, 2009 (Docket No. 206), briefing schedule on Plaintiff's motion for summary judgment on certain of Universal's affirmative defenses; and
 - (10) July 16, 2010 (Docket No. 291), modifications to case management schedule;
- c) Pursuant to Civil Local Rule 6-2(a)(3), the parties state that the requested time modifications will affect the briefing schedule for and hearing on the parties motions for summary judgment. The parties do not currently anticipate that this will affect any other dates in the current schedule.

IT IS SO STIPULATED.

Dated: October 28, 2010

KEKER & VAN NEST LLP

By: /s/ Michael S. Kwun
MICHAEL S. KWUN
Attorneys for Plaintiff
STEPHANIE LENZ

1 Dated: October 28, 2010

MUNGER, TOLLES & OLSON LLP

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By: /s/ Kelly M. Klaus*

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KELLY M. KLAUS
Attorneys for Defendants
UNIVERSAL MUSIC CORP.,
UNIVERSAL MUSIC PUBLISHING,
INC. and UNIVERSAL MUSIC
PUBLISHING GROUP

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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Dated: 11/4/2010

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HON. JEREMY F. ...
United States District Judge

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

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