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

5 WHEREAS, the current Case Management Schedule, stipulated to by the parties and
6 entered by the Court, set a schedule for, *inter alia*, the filing of dispositive motions (by October
7 18, 2010) and for trial (May 9, 2011) (Doc. No. 291);

8 WHEREAS, on October 18, 2010, the parties each filed their opening papers in support
9 of their respective motions for summary judgment;

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

14 WHEREAS, on November 2, 2010, Plaintiff filed a Motion for Relief from Magistrate
15 Judge Trumbull’s Order;

16 WHEREAS, on November 4, 2010, this Court entered an Order approving the parties’
17 stipulation to adjourn the then-current schedule for completing summary judgment briefing
18 pending the completion of the discovery ordered by Magistrate Judge Trumbull’s Order;

19 WHEREAS, on November 17, 2010, this Court entered an Order Overruling Plaintiff’s
20 Objections to Discovery Order;

21 WHEREAS, on December 17, 2010, Defendants filed a Motion to Find Plaintiff in
22 Contempt for Violation of October 22, 2010 Order, to Compel Compliance and In Camera
23 Review, and for Sanctions (hereinafter “Defendants’ Motion”);

24 WHEREAS, on February 8, 2011, Magistrate Judge Lloyd heard oral argument and took
25 Defendants’ Motion under submission;

26 WHEREAS, as of the date of this Stipulation, Defendants’ Motion remains under
27 submission before Magistrate Judge Lloyd;
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1 WHEREAS, the parties have agreed to defer the deposition of Plaintiff ordered by
2 Magistrate Judge Trumbull's Order pending the resolution of Defendants' Motion and any
3 production of additional documents;

4 WHEREAS, Universal intends to incorporate documents produced by Plaintiff and her
5 forthcoming deposition testimony into the remaining briefing on the summary judgment
6 motions;

7 WHEREAS, on November 4, 2011, this Court entered an Order vacating the summary
8 judgment briefing schedule in light of the foregoing, and with an agreement from the parties to
9 meet and confer about an appropriate schedule for the conclusion of the summary judgment
10 briefing schedule upon completion of outstanding discovery (Doc. No. 349);

11 WHEREAS, with the current trial date of May 9, 2011, the parties face impending
12 pretrial deadlines before the summary judgment briefing is complete or the motion resolved;

13 WHEREAS, the parties believe that, it would conserve party and judicial resources for
14 the Court to vacate the current trial date, so that Defendants' Motion may be resolved, remaining
15 discovery may be completed, and the parties may conclude the summary judgment briefing and
16 present their respective motions to the Court for resolution.

17
18 **ACCORDINGLY, THE PARTIES STIPULATE AS FOLLOWS:**

19 [1] Upon resolution of Defendants' Motion, the parties will **meet and confer**
20 regarding

- 21 a) an appropriate schedule for the required remaining discovery, including the
22 deposition of Plaintiff, with a presumption that Plaintiff's deposition will be
23 within 10 Court days of either the production of any additional documents ordered
24 produced or the date of the order, but subject to reasonable adjustments to
25 accommodate the schedules of counsel and the parties;
- 26 b) an appropriate schedule for concluding the briefing of their respective motions for
27 summary judgment, with a presumptive schedule that oppositions will be due two
28 weeks after the additional discovery is complete, with replies due two weeks after

1 oppositions and a hearing set as soon as the Court's schedule will allow thereafter,
2 but subject to reasonable adjustments to accommodate the schedules of counsel
3 and the parties; and

4 c) an appropriate proposed schedule for pre-trial and trial dates, subject to the
5 Court's availability and the schedules of counsel and the parties.

6 **IN SUPPORT OF SAID STIPULATION:**

7 A. Pursuant to Civil Local Rule 6-2(a)(1), the parties state that the time
8 modifications set forth above are requested for the purpose of setting an orderly schedule for
9 resolution of Defendants' Motion to Find Plaintiff in Contempt for Violation of October 22,
10 2010 Order, to Compel Compliance and In Camera Review, and for Sanctions and their
11 respective motions for summary judgment;

12 B. Pursuant to Civil Local Rule 6-2(a)(2), the parties disclose the following previous
13 time modifications in this case:

- 14 (1) August 20, 2007 (Docket No. 8), time to respond to first amended
15 complaint;
- 16 (2) October 11, 2007 (Docket No. 19), briefing schedule on Universal's motion
17 to dismiss and special motion to strike;
- 18 (3) November 16, 2007 (Docket No. 26), briefing schedule on Universal's
19 motion to dismiss and special motion to strike;
- 20 (4) April 30, 2008 (Docket No. 35), time to respond to second amended
21 complaint;
- 22 (5) August 29, 2008 (Docket No. 46), time to respond to second amended
23 complaint and briefing schedule for motion for to certify for interlocutory
24 appeal;
- 25 (6) April 15, 2009 (Docket No. 63), briefing schedule for motion for protective
26 order;
- 27 (7) September 9, 2009 (Docket No. 166), briefing schedule for administrative
28 motion;

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- (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;
- (11) November 4, 2010 (Docket No. 349), modifications to case management schedule;

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1 C. Pursuant to Civil Local Rule 6-2(a)(3), the parties state that the requested time
2 modifications will affect the briefing schedule for and hearing on the parties motions for
3 summary judgment and as well all pre-trial dates and the trial date.

4 **IT IS SO STIPULATED.**

5 Dated: March 8, 2011

ELECTRONIC FRONTIER
FOUNDATION

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8 By: /s/ Corynne McSherry
CORYNNE MCSHERRY
Attorneys for Plaintiff
STEPHANIE LENZ

9
10 Dated: March 8, 2011

MUNGER, TOLLES & OLSON LLP

11
12 By: /s/ Kelly M. Klaus*
13 KELLY M. KLAUS
Attorneys for Defendants
14 UNIVERSAL MUSIC CORP.,
UNIVERSAL MUSIC PUBLISHING,
15 INC. and UNIVERSAL MUSIC
PUBLISHING GROUP

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17 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

18 Dated: 3/10/11

19 By: 
20 HON. JEREMY FOGEL
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.