

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN**

**BROADCAST MUSIC, INC.,; E.O. SMITH MUSIC;
UNIVERSAL MUSIC-Z TUNES LLC d/b/a
UNIVERSAL MUSIC Z SONGS; EMI BLACKWOOD
MUSIC, INC.;**

Plaintiffs,

Case No. 1:11-cv-01001-RHB

v

Hon. Robert Holmes Bell
Chief, U.S. District Judge

**LADY GODIVA’S, INC., d/b/a LADY GODIVA’S;
MARK LONDON, individually, and
SENSATIONS, INC., d/b/a SENSATIONS,**

Defendants.

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**SECOND STIPULATED ORDER EXTENDING DEADLINE
FOR DEFENDANTS/COUNTER-PLAINTIFFS TO RESPOND TO PLAINTIFFS’
COMBINED MOTION FOR 12(b)(6) DISMISSAL OF COUNTERCLAIM**

1. On or about September 20, 2011, Plaintiffs Broadcast Music, Inc. (“BMI”), E.O. Smith Music, Universal Music-Z Tunes LLC d/b/a Universal Music Z Songs, and EMI Blackwood Music, Inc. filed their Complaint in this Court.

2. On October 25, 2011, Defendants Lady Godiva’s, Inc., d/b/a Lady Godiva’s and Mark London filed their Answer. That same day Lady Godiva’s and Sensations, Inc. d/b/a Sensations filed a Counterclaim against Plaintiff/Counter-Defendant BMI.

3. On November 29, 2011, Plaintiffs BMI, et al., filed their Combined Motion and Brief for 12(b)(6) Dismissal of Counterclaim.

4. Pursuant to LCivR 7.2(c) and Fed. R. Civ. P. 6(d), Defendants/Counter-Plaintiffs Lady Godiva’s and Sensations were required to file a responsive brief and any supporting materials on or before December 30, 2011.

5. In order to facilitate settlement negotiations, the parties previously stipulated to extend response deadlines by 21 days, and pursuant to that Stipulation, this Court entered an Order extending Defendants/Counter-Plaintiffs’ deadline to file their responsive brief and supporting material up to, and including January 20, 2012 and Plaintiffs/Counter-Defendants’ deadline to file their reply brief up to, and including February 6, 2012 (Docket Nos. 19 and 20).

6. As a result of these settlement negotiations, the parties believe they have reached an agreement in principle. Consequently, the parties have agreed to further extend the above stated deadlines for 14 days in order to provide time to finalize and document the settlement.

Therefore, the parties agree the deadline by which Defendants/Counter-Plaintiffs must file their responsive brief and supporting materials will be extended from January 20, 2012 up to, and including, February 3, 2012. This extension will also apply to Plaintiffs/Counter-Defendants in that they may file a reply brief up to, and including, February 20, 2012.

THE PARTIES STIPULATE AND AGREE THAT, in light of the foregoing, the following Order be entered, subject to approval of the Court.

IT IS HEREBY AGREED AND ORDERED THAT:

The deadline by which Defendants/Counter-Plaintiffs Lady Godiva's and Sensations must file their responsive brief and supporting materials in response to Plaintiffs' Combined Motion for 12(b)(6) Dismissal of Counterclaim is hereby extended for 14 days, from January 20, 2012 up to, and including, February 3, 2012, 2012. This extension shall also apply to Plaintiffs/Counter-Defendants in that they may file a reply brief up to, and including, February 20, 2012.

Dated: January 25, 2012

/s/ Robert Holmes Bell
Honorable Robert Holmes Bell
United States District Court Judge

STIPULATED AS TO FORM AND CONTENT:

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Dated: January 20, 2012

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