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 15 PARTNERSHIP, SKUNK, INC. AND GETTING HOME, INC.

16 **UNITED STATES DISTRICT COURT**  
 17 **DISTRICT OF NEVADA**

19 DONNA CORBELLO, an individual,  
 20 Plaintiff,

21 v.

22 THOMAS GAETANO DEVITO, an  
 individual, et al.,  
 23 Defendants.

**CASE NO. 2:08-cv-00867-RCJ-PAL**

**JOINT STIPULATION RE  
 BRIEFING SCHEDULE FOR THE  
 PARTIES' PENDING SUMMARY  
 JUDGMENT AND PARTIAL  
 SUMMARY JUDGMENT MOTIONS;  
 REQUEST FOR ORDER  
 APPROVING STIPULATION**

U.S. District Judge Robert C. Jones,  
 Reno Courthouse

U.S. Magistrate Judge Peggy A. Leen

1 Currently pending before the Court are Plaintiff’s Motion for Partial Summary  
2 Judgment on the Second Affirmative Defense (Licensed Use) in New Defendants’  
3 Answer to Plaintiff’s Third Amended Complaint (ECF #928); Plaintiff’s Motion for  
4 Partial Summary Judgment re Lapse of 1999 Agreement (ECF #933); New  
5 Defendants’ Motion for Partial Summary Judgment on the Issue of Fair Use, and on  
6 the Absence of any Remaining Similarities (ECF #934); and New Defendants’ Motion  
7 for Summary Judgment on Plaintiff’s Foreign Claims of Copyright Infringement (ECF  
8 #935) (collectively, “the Motions”). Per Order of this Court dated May 19, 2016  
9 (ECF #938), oral argument for the Motions has been set for 10:00 A.M., July 28,  
10 2016.

11 The current deadline for Opposition to the Motions is May 26, 2016. This  
12 deadline is problematic for the parties for a number of reasons. As to New  
13 Defendants, counsel with both the Leopold, Petrich & Smith law firm and the Miller  
14 Korzenik Sommers law firm have preexisting commitments (a corporate advisory  
15 council annual meeting; a memorial service) requiring their attendance on May 26,  
16 2016, as well as related travel immediately preceding that date. As to Plaintiff, lead  
17 counsel, Gregory H. Guillot, was engaged, almost full-time, in reply briefing and  
18 motion practice before the Ninth Circuit Court of Appeals in another case, from May  
19 3, 2016 – the day following service of the dispositive motions herein – to May 17,  
20 2016, and accordingly, has not yet been unable to devote adequate time to Plaintiff’s  
21 responses to New Defendants’ motions; co-counsel, Robert H. McKirgan, is leaving  
22 this week for a long-scheduled family vacation; and, Plaintiff’s response to New  
23 Defendants’ Motion for Summary Judgment on Plaintiff’s Foreign Claims of  
24 Copyright Infringement requires consultation with foreign law firms in Australia,  
25 Canada, and the United Kingdom, and this process is not yet complete. The parties  
26 have met and conferred through counsel and agreed to extend the deadline for  
27 Opposition to the Motions to June 20, 2016, with an agreed-upon deadline for Replies  
28 in support of the Motions of July 11, 2016. **The parties have further agreed and**

1 hereby represent to the Court that this will be the only request for an extension  
2 regarding the briefing schedule for the Motions and there will be no request to  
3 continue the July 28, 2016 hearing thereon, set by the Court in its Order (ECF  
4 #938) dated May 19, 2016.

5 Accordingly, all parties now stipulate, agree and request that the parties be  
6 accorded through June 20, 2016 within which to respond to the Motions, and through  
7 July 11, 2016 within which to file replies in support thereof.

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9 DATED: May 23, 2016

/s/ David S. Korzenik  
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BROADWAY L.P., SKUNK, INC. and  
GETTING HOME, INC.

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20 DATED: May 23, 2016

/s/ Robert H. McKirgan  
ROBERT H. MCKIRGAN  
GREGORY H. GUILLOT, PC

GREGORY H. GUILLOT  
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J. CHRISTOPHER JORGENSON  
LEWIS ROCA ROTHGERBERGER CHRISTIE

Attorneys for Plaintiff  
DONNA CORBELLO

1 IT IS SO ORDERED.  
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4 United States District Judge  
5 Robert C. Jones

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May 31, 2016

1 **CERTIFICATE OF SERVICE**

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3 I certify that on May 23, 2016, I electronically filed the foregoing **JOINT**  
4 **STIPULATION RE BRIEFING SCHEDULE FOR THE PARTIES' PENDING**  
5 **SUMMARY JUDGMENT AND PARTIAL SUMMARY JUDGMENT MOTIONS;**  
6 **REQUEST FOR ORDER APPROVING STIPULATION** and this certificate of service  
7 with the clerk of the Court using the ECF system which will send notification of such filing  
8 to the following:

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8 /s/ Kathryn Toyama

An employee of Leopold, Petrich  
& Smith, P.C.

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