ESTTA Tracking number: **ESTTA356569**
Filing date: **07/06/2010**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

| | |
|---|---|
| Proceeding | 92051963 |
| Party | Plaintiff<br>Slyvester Stewart, pka Sly Stone, d/b/a Sly and the Family Stone |
| Correspondence Address | Rod Rummelsburg<br>Allan Law Group, P.C.<br>22917 Pacific Coast Hwy., #350<br>Malibu, CA 90265<br>UNITED STATES<br>rod@rjallanlaw.com |
| Submission | Opposition/Response to Motion |
| Filer's Name | Rod Rummelsburg |
| Filer's e-mail | rod@rjallanlaw.com |
| Signature | /Rod Rummelsburg/ |
| Date | 07/06/2010 |
| Attachments | Opposition to Motion to Suspend Proceedings.pdf ( 8 pages )(469000 bytes )<br>Rummelsburg Decl in Support of Opposition to Motion to Suspend.pdf ( 17 pages )(707763 bytes ) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 2,920,734
Trademark: SLY AND THE FAMILY STONE

| | |
|---|---|
| **SYLVESTER STEWART**, an individual, p/k/a **SLY STONE**, p/k/a **SLY AND THE FAMILY STONE,**<br><br>Petitioner,<br><br>vs.<br><br>**EVEN ST. PRODUCTIONS LTD.**, a New York corporation.<br><br>Respondent. | Cancellation No.: 92051963 |

**OPPOSITION TO REGISTRANT'S MOTION TO SUSPEND PROCEEDINGS**
**[FILED CONCURRENTLY WITH DECLARATION OF ROD RUMMELSBURG]**

## I. INTRODUCTION

Respondent / registrant Even St. Productions, Ltd. ("Even St."), who has not produced any documents in connection with Even St.'s Initial Disclosure and has failed to produce any documents in response to petitioner's requests for production of documents, has now the audacity to attempt to suspend proceedings at the Trademark Trial and Appeal Board ("TTAB"). This is mere gamesmanship.

The TTAB should deny Even St.'s Motion to Suspend Proceedings ("Motion") because i) the Los Angeles Superior Court action regarding music royalties, filed *after* this Cancellation Proceeding, will not determine ownership of the mark "Sly and The Family Stone" (the "Mark"); ii) such stay, if granted, would unfairly be in effect for an indefinite period; iii) the TTAB has primary jurisdiction and institutional expertise for the resolution of trademark issues such as those at bar; and iv) Even St.'s Motion is merely an attempt to stall litigation.

## II. STATEMENT OF FACTS

On January 15, 2010, Petitioner Sylvester Stewart professionally known as Sly Stone and professionally known as Sly and the Family Stone ("Sly Stone" or "Petitioner") filed the instant Petition for Cancellation of the mark "Sly and The Family Stone" against registrant Even St.

On April 28, 2010, Sly Stone served Petitioner's First Set of Requests for Production of Documents to Respondent ("RPD") with 51 document requests. *Id.* at ¶ 4. Even St. did not produce any documents in response to the RPD. *Id.* at ¶ 5.

Mr. Rummelsburg sent a letter dated June 8, 2010 via both email and U.S. mail to counsel for Even St., demanding Even St. produce the requested documents by June 15, 2010 ("Extended Deadline") [*Id.* at ¶ 6-7, Ex. 1 (June 8th Letter)].

One (1) day before the Extended Deadline, Even St. filed the instant Motion to suspend all proceedings. *Id.* at ¶ 8. Even St. did not produce the requested documents.

Even St. seeks suspension of this Cancellation Proceeding pending the outcome in Los Angeles Superior Court, Case No. BC 430809 ("LASC Action"), a civil action among approximately twenty-eight (28) parties, including Sly Stone and Even St. [*See* Motion, Exhibit A (Complaint)].

The LASC Action primarily involves the misappropriation and conversion of music royalties for musical compositions written by Sly Stone. *Id.* There are no causes of action asserted under the federal Lanham Act or asserted under any state trademark law in the LASC Action. *Id.* In the LASC Action, Sly Stone is not seeking declaratory relief that Sly Stone owns the Mark. *Id.*

Sly Stone filed a complaint initiating the LASC Action on January 28, 2010, *after* this Cancellation Proceeding was initiated. [Rummelsburg Decl. at ¶ 9]. He filed a First Amended Complaint ("FAC") on February 4, 2010. *Id.* at ¶ 12. Even St. filed a First Amended Cross Complaint ("FACC") against Sly Stone and several others on May 12, 2010,

approximately four (4) months after Sly Stone initiated this Cancellation Proceeding. *Id.* at ¶ 13.

No trial date has been set in the LASC Action. [*Id.* at ¶ 15-16; Ex. 2 (Docket of LASC Action)]. There are no motions pending in the LASC Action that will have bearing on this Cancellation Proceeding. *Id.* at ¶ 17.

On June 23, 2010, Sly Stone's counsel filed with the TTAB and served on Even St. a Motion to Compel Production of Documents. *Id.* at ¶ 18.

Even St. served an Initial Disclosure statement on or about May 17, 2010, but Even St. did not produce any documents with its Initial Disclosure Statement. *Id.* at ¶ 19.

## III. SUSPENSION OF A CANCELLATION PROCEEDING IS DISCRETIONARY

The TTAB has discretion whether or not to suspend a TTAB proceeding. Rule 2.117(a) of the Code of Federal Regulations provides:

> Whenever it shall come to attention of the Trademark Trial and Appeal Board that a party or parties to a pending case are engaged in a civil action or another Board proceeding which may have a bearing on the case, proceedings before the Board *may* be suspended until termination of the civil action or the other Board proceeding.

37 *C.F.R.* § 2.117(a) (emphasis added).

In this case, the TTAB has any number of good reasons to exercise its discretion to deny Even St.'s Motion to Suspend, including:

i) a stay is unnecessary because the LASC Action will not decide the trademark issues in the Cancellation Proceeding;

ii) the LASC Action will not be adjudicated in a timely matter, and suspension of this Cancellation Proceeding will cause an undue delay in the trademark ownership determination. *Landis v. North American Co.*, 299 U.S. 248, 257 (1936);

iii) the TTAB is the forum with the better expertise to decide the trademark issues herein based on the primary jurisdiction doctrine, *Goya Foods, Inc. v. Tropicana Prods., Inc.,* 6 U.S.P.Q.2D (BNA) 1950; and

iv) Even St.'s actions by filing the Motion to Suspend serve only to delay discovery and stall litigation.

## IV. A STAY IS UNNECESSARY BECAUSE THE LASC ACTION WILL NOT DECIDE THE TRADEMARK OWNERSHIP ISSUE

Even St. tries to justify suspension of this Cancellation Proceeding by referring to an assignment attached and incorporated into a 1989 Employment Agreement between Sly Stone and Even St., under Even St.'s former name Stone Fire Productions Ltd. [See Motion to Suspend, Exhibit A (First Amended Complaint, attachment 2)]. Nowhere in the Assignment does Sly Stone assign the mark "Sly and The Family Stone" to Even St. Nowhere in the Assignment does Sly Stone grant the mark "Sly and the Family Stone" to Even St. Nowhere in the Assignment does Sly Stone give ownership rights to the mark "Sly and the Family Stone" to Even St.

Sly Stone's FAC does not ask the California Superior Court to decide on the ownership of the Mark. Sly Stone asks for the following relief:

"WHEREFORE, Plaintiff Sly Stone prays for judgment as follows:

1. For compensatory and consequential damages in an amount to be proven at trial;

2. For prejudgment interest according to proof;

3. For post-judgment interest;

4. *For declaration of Sly Stone's rights and Defendants' obligations with respect to Royalties for Sly Stone;*

5. For the appointment of a receiver;

6. For an accounting;

7. For constructive trust on real property;

8. For punitive damages;

9. To the extent permitted by contract, common law, or statute, if at all, for reasonable attorneys' fees and costs; and

10. For such other further relief as the Court may deem just and proper."

[Motion, Exhibit A (First Amended Complaint, page 83) (emphasis added)].

In short, the Los Angeles Superior Court action was brought to determine the amounts of royalties misappropriated from Sly Stone. The TTAB proceeding, on the other hand, was brought to determine the proper ownership of the mark "Sly and the Family Stone." In this Cancellation Proceeding, Sly Stone is not asking for damages.

In the FAC, Sly Stone does accuse the defendants, including Even St., of diverting, converting, or misappropriating Sly Stone's property, including the trademark "Sly and the Family Stone." *Id.* at ¶ 152. Even St. is taking advantage of what may be inartful drafting in Sly Stone's FAC to now allege the Los Angeles Superior Court should determine Even St.'s ownership rights to the Mark, as opposed to amounts owed as a result of profiting from the name Sly and The Family Stone without license. Sly Stone plans to clear up any ambiguity in the next several days by filing a Second Amended Complaint in the LASC Action.

## V. SUSPENSION IS NOT APPROPRIATE WHEN THE CIVIL CASE WILL BE STAYED FOR A LONG OR INDEFINITE PERIOD

The Supreme Court holds that a "stay is immoderate and hence unlawful unless so framed in its inception that its force will be spent within reasonable limits." *Landis v. North American Co.*, 299 U.S. 248, 257 (1936). To determine whether a stay is immoderate, courts examine both the scope of the stay, which includes its potential duration and the reasons for the stay. *Ortega Trujillo v. Conover & Co. Commc'ns., Inc.,* 221 F.3d 1262, 1264 (11th Cir. 2000).

Staying a case is unwarranted if the time is indefinite.[1] *Lipford v. Carnival Corporation,* 346 F. Supp. 2d 1276, 1278 (S.D. Fla. 2004). In *Lipford,* the state court action began less than one (1) year previously and no trial dates had been set yet. *Id.*; *see also Hines v. D'Artois*, 531 F.2d 726, 733 (5th Cir. 1976) (finding a stay that was to range from eighteen (18) months to five (5) years was an inordinate delay).

There is no indication in the LASC Action that any threshold issues for this Cancellation Proceeding will be resolved anytime soon, assuming there are any such issues. Here, like *Lipford,*, no trial dates have been set. There are no pending motions that would have bearing on this Cancellation Proceeding. The issues in the LASC Action stretch back over twenty (20) years to 1989. There are approximately 28 parties. There are eighteen (18) causes of action in Sly Stone's FAC and several more causes of action in Even St.'s First Amended Cross-Complaint. In sum, the LASC Action is complicated litigation that could drag on for years.

The TTAB should deny the Motion to Suspend because it will cause an inordinate delay in the adjudication of the ownership of the Mark to the detriment of petitioner Sly Stone.

## VI. THE TTAB HAS PRIMARY JURISDICTION IN THIS MATTER AND THE EXPERTISE TO ADJUDICATE ALL ISSUES IN THIS CANCELLATION PROCEEDING

Primary jurisdiction applies when "enforcement of the claim requires the resolution of issues which, under a regulatory scheme, have been placed within the special competence of an administrative body." *United States v. W. Pac. R. Co.,* 352 U.S. 59, 63-64 (1956). The primary jurisdiction doctrine can apply to trademark disputes. *See Goya Foods, Inc. v. Tropicana Products, Inc.,* 846 F.2d 848, 853-54 (2nd Cir. 1988). The TTAB not only has

[1] When determining that an indefinite stay is unwarranted, some courts also require that the other forum's proceeding is "unlikely to control or to narrow substantially the claims or unresolved issues in the stayed lawsuit." *Miccosukee Tribe of Indians of Fla. v. S. Fla. Water Mgmt. Dist.*, 559 F.3d 1191, 1197 (11th Cir. 2009). As discussed in Section IV, *supra*, the LASC Action contains no cause of action asserted under the federal Lanham Act or under any state trademark law. Any possible ambiguity results from inartful drafting in Sly Stone's FAC and will be resolved in the next several days by filing a Second Amended Complaint in the LASC Action.

experience determining typical trademark issues like "ownership," "abandonment," "likelihood of confusion," and "prior use," it also has a long history of determining issues like the presence of fraud. *See, eg. Crown Wallcovering Corp. v. The Wall Paper Mfrs. Ltd.*, 188 U.S.P.Q. 141, 144 (T.T.A.B. 1975) (determining fraud). Further, in determining whether to apply the primary jurisdiction doctrine, courts value the right of a party to have "issue[s] resolved promptly so that it may conduct its business affairs in accordance with the court's determination of its rights." *Goya Foods, Inc.*, 846 F.2d at 854. Here, continuing the Cancellation Proceeding is the *only* way to resolve the trademark dispute promptly and allow Sly Stone to conduct his business affairs in accordance with the court's determination of his rights.

The TTAB should continue this Cancellation Proceeding because the TTAB is the appropriate forum to determine the issues at bar.

## VII. EVEN ST.'S MOTION TO SUSPEND IS MERELY AN ATTEMPT TO STALL LITIGATION

Even St.'s Motion to Suspend amounts to playing litigation games. Even St. did not produce any documents with its Initial Disclosure. Then, one (1) day prior to an extended deadline for producing documents in response to a request for production of documents, Even St. seeks to stay all proceedings.

Even St. disingenuously takes the position it does not have to produce documents because Sly Stone's request for production of documents was served a few days before Sly Stone served his Initial Disclosure statement. Even St. even invokes Code of Federal Regulations Rule 2.120(a)(3), which provides that "[a] party must make its initial disclosures prior to seeking discovery, *absent modification of this requirement* by a stipulation of the parties approved by the Board, or a motion granted by the Board, or *by order of the Board*." (emphasis added). 37 *C.F.R.* § 2.120(a)(3). Here, the TTAB explicitly established the discovery period, and Sly Stone's request for production of documents was properly served within the discovery period.

Sly Stone has filed a motion to compel production of documents. The TTAB has yet to decide this motion.

Even St. should not be rewarded for their failure to submit to discovery.

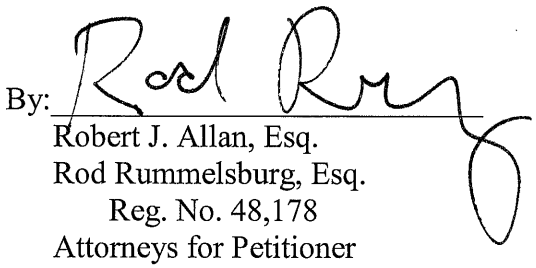
## VIII. CONCLUSION

Based upon the foregoing points and authorities, Petitioner Sly Stone respectfully requests that the TTAB deny Even St.'s Motion to Suspend this Cancellation Proceeding.

Dated: July 6, 2010

Respectfully submitted,

ALLAN LAW GROUP P.C.

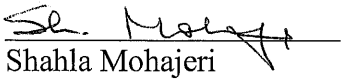
By: 

Robert J. Allan, Esq.
Rod Rummelsburg, Esq.
Reg. No. 48,178
Attorneys for Petitioner
Allan Law Group P.C.
22917 Pacific Coast Hwy., #350
Malibu, CA 90265
Tel: (310) 456-3024
Fax: (310) 317-0484

## CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing OPPOSITION TO REGISTRANT'S MOTION TO SUSPEND PROCEEDINGS, has been served on July 6, 2010, by mailing said copy via first class mail, postage prepaid to the following:

Robert Becker, Esq.
Attorney for Even St. Productions Ltd.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NY 10017



Shahla Mohajeri

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Registration No. 2,920,734
Trademark: SLY AND THE FAMILY STONE

| | |
|---|---|
| **SYLVESTER STEWART**, an individual, p/k/a **SLY STONE**, p/k/a **SLY AND THE FAMILY STONE,**<br><br>Petitioner,<br><br>vs.<br><br>**EVEN ST. PRODUCTIONS LTD.**, a New York corporation.<br><br>Respondent. | Cancellation No.: 92051963 |

**DECLARATION OF ROD RUMMELSBURG**
**IN SUPPORT OF**
**OPPOSITION TO REGISTRANT'S MOTION TO SUSPEND PROCEEDINGS**

I, Rod Rummelsburg, declare and state as follows:

1. I am an attorney duly licensed to practice law in the State of California and am an associate in the law firm of Allan Law Group, P.C., attorneys of record for Petitioner Sylvester Stewart, p/k/a Sly Stone, p/k/a Sly and The Family Stone ("Sly Stone" or "Petitioner"). I am also a patent attorney registered with the United States Patent and Trademark Office, registration number 48,178. The facts set forth herein are within my personal knowledge and, if sworn as a witness, I could and would testify competently thereto under oath.

2. I submit this declaration in support of Sly Stone's Opposition to Registrant's Motion to Suspend.

3. On or about March 10, 2010, the Trademark Trial and Appeal Board ("TTAB") set April 15, 2010 as the date "Discovery Opens."

4. On April 28, 2010, I caused to have served Petitioner's First Set of Requests for Production of Documents to Respondent ("RPD") to counsel for Respondent Even St. Productions Ltd. ("Even St."), to be answered within thirty (30) days of service hereof. The RPD contained fifty-one (51) document requests.

5. Even St. failed to produce any documents in response to the RPD and failed to object to any document requests in the RPD.

6. Having received no response to the RPD, on June 8, 2010, six (6) days after the deadline to produce documents responding to the RPD, I sent a letter ("June 8th Letter") via both email and U.S. mail to Even St.'s attorney of record, Robert A. Becker. Attached hereto as Exhibit 1 is a true and correct copy of the June 8th Letter.

7. The June 8th Letter demanded that Even St. produce the requested documents by June 15, 2010 (the "Extended Deadline"). Even St. did not respond to the June 8th Letter. Even St. did not produce any documents in response to the June 8th Letter.

8. On June 14, 2010, one (1) day before the Extended Deadline for Even St.'s production of documents, Even St. served on our firm Registrant's Motion to Suspend Proceedings.

9. On January 28, 2010, counsel on behalf of Sly Stone filed in the Los Angeles Superior Court of the State of California, Case No. BC 430809 ("LASC Action"), a complaint ("Complaint") regarding royalty disputes in which Even St. is a defendant.

10. I am informed and believe and thereon allege that over three hundred (300) Internet and print articles were generated as a result of the Complaint being filed.

11. I am informed and believe and thereon allege that the reason for the media response to the LASC Action is Sly Stone's status as a music icon who performed at the 1969 Woodstock Concert, who was inducted into the Rock'n'Roll Hall of Fame, and who is considered by *Rolling Stone* to be the 43rd most influential artist of all time.

12. On February 4, 2010, counsel on behalf of Sly Stone filed a First Amended Complaint ("FAC").

13. On or about May 12, 2010, Even St. served a First Amended Cross-Complaint ("FACC") against Sly Stone, among other cross-defendants, in the LASC Action.

14. In the next several days counsel for Sly Stone will petition the Los Angeles Superior Court for leave to file a Second Amended Complaint ("SAC") in the LASC Action. The SAC will contain a number of changes, some of which should clear up ambiguity in the FAC.

15. Attached hereto as Exhibit 2 is a true and correct copy of the docket for the LASC Action.

16. No trial date has been set in the LASC Action.

17. There are no motions pending in the LASC Action that will have any bearing on the trademark cancellation proceeding at the United States Patent and Trademark Office, Cancellation No. 92051963, for the mark "Sly and The Family Stone."

18. On June 23, 2010 on behalf of petitioner Sly Stone, I filed with the TTAB a Motion to Compel Production of Documents, and I caused to have served a copy of that motion to counsel for Even St.

19. Even St. served an Initial Disclosure statement on or about May 17, 2010 ("Initial Disclosure"). Even St. did not produce any documents with the Initial Disclosure.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated this 6th day of July, 2010 at Malibu, California.

Rod Rummelsburg

## CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing DECLARATION OF ROD RUMMELSBURG IN SUPPORT OF OPPOSITION TO REGISTRANT'S MOTION TO SUSPEND PROCEEDINGS, has been served on July 6, 2010, by mailing said copy via first class mail, postage prepaid to the following:

Robert Becker, Esq.
Attorney for Even St. Productions Ltd.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NY 10017

Sh. Mohajeri

Shahla Mohajeri

# EXHIBIT 1

AllanLaw
A Professional Corporation

June 8, 2010

**VIA EMAIL: rbecker@frosszelnick.com**
**ORIGINA VIA U.S. MAIL**

Robert A. Becker, Esq.
Fross Zelnick Lehrman & Zissu, P.C.
866 United Nations Plaza
New York, NY 10017

| | |
|---|---|
| Re: | Failure to Respond to Discovery |
| Trademark: | SLY AND THE FAMILY STONE |
| Registration No.: | 2,920,734 |
| TTAB Cancellation No.: | 92051963 |
| Petitioner: | Sylvester Stewart, p/k/a/ Sly Stone. p/k/a Sly and The Family Stone |
| Respondent: | Even St. Productions Ltd. |
| Our File No.: | 10-4038 |

Dear Mr. Becker:

As of today, we have not received any response regarding the discovery we propounded to registrant and respondent Even St. Productions, Ltd. ("Even St.") on April 28, 2010 in the above-referenced matter.

Specifically on April 28, 2010, I caused to have served on your firm Petitioner's First Set of Requests for Production of Documents to Respondent ("RPD"). The deadline to have served Even St.'s response, which includes five days for mailing, was June 2, 2010. The date the documents were to be produced for inspection and copying was also June 2, 2010.

Please be advised that failing to respond to the above discovery demands within the time permitted waives all objections to the demands – including claims of privilege and work product. *Richmark Corp. v. Timber Falling Consultants*, 959 F.2d 1468, 1473 (9th Cir 1992) ("failure to object to discovery requests within the time required constitutes a waiver of any objection."); *see also Coregis Ins. Co. v. Baratta & Fenerty, Ltd.*, 187 F.R.D. 528, 529 (E. Dist. PA 1999).

Even St. has waived all objections to the RPD.

Please submit complete responses without objections and the requested documents to all the above-referenced discovery demand no later than **Tuesday June 15, 2010.** If we do not receive adequate responses and production of documents by this date, we shall file a motion to

22917 Pacific Coast Highway, Suite 350 Malibu, CA 90265 310.456.3024 fax 310.317.0484
www.rjallanlaw.com

compel discovery responses and will request evidentiary sanctions pursuant to TBMP Section 411.04. Such sanctions may include striking all or part of Even St.'s pleadings, refusing Even St. to support or oppose designated claims or defenses, drawing adverse inferences against Event St., prohibiting Even St. from introducing designated matters into evidence, and entering judgment against Even St. *Trademark Trial and Appeal Board Manual of Procedure* Section 411.04.

We find no requirement to "meet and confer" in an instance where a party has failed to timely respond to discovery. We are, however, sending this letter in the hope we can receive full responses to the discovery demands without need for Court intervention.

Yours truly,

**ALLAN LAW GROUP P.C.**

Rod Rummelsburg, Esq.

RR:sm

# EXHIBIT 2

# Case Summary

Please make a note of the Case Number.

Click here to access document images for this case.
If this link fails, you may go to the Case Document Images site and search using the case number displayed on this page.

**Case Number:** BC430809
SYLVESTER STEWART ET AL VS GERALD GOLDSTEIN ET AL

**Filing Date:** 01/28/2010
**Case Type:** Fraud (no contract) (General Jurisdiction)
**Status:** Pending

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**Future Hearings**

**07/14/2010** at 08:32 am in department 68 at 111 North Hill Street, Los Angeles, CA 90012
Motion for an Order ((2)MOTS OF DEFTS/CROSS-COMPLNT TOSEAL EXHIBITS)

**07/16/2010** at 08:32 am in department 68 at 111 North Hill Street, Los Angeles, CA 90012
Motion for an Order (-MOT OF DEFTS DISCHARGING STAKE- HOLDER-STATUS CONFERENCE)

---

Documents Filed | Proceeding Information

**Parties**

Click on any of the below link(s) to see names that begin with the letter indicated:
A - G H - W

ALL PERSONS UNKNOWN CLAIMING ANY LEGAL OR - Defendant/Respondent

ALLAN ROBERT JAMES ESQ. - Attorney for Plaintiff/Petitioner

AMADEUS B LLC - Defendant/Respondent

AMADEUS CAPITAL INVESTORS LLC - Defendant/Respondent

AMADEUS TRUST - Defendant/Respondent

ANDERSON PETER J. ESQ. - Attorney for Deft/Respnt

AUDIO VISUAL ENTERTAINMENT INC. - Defendant/Respondent

AVENUE MUSIC GROUP - Defendant/Respondent's DBA

AVENUE RECORDS - Defendant/Respondent's DBA

AVITTA PROPERTIES LIMITED - Defendant/Respondent

AVITTA PROPERTIES LIMITED A BRITISH - Defendant/Respondent

BALLARD SPAHR LLP - Attorney for Deft/Respnt

BROADCAST MUSIC INC. - Defendant/Respondent

COGGAN JAY M. ESQ. - Attorney for Defendant/Respondent

COLUMBIA STREET INC. - Defendant/Respondent

DOES 1 THROUGH 100 - Defendant/Respondent

EVEN ST. PRODUCTIONS LTD. - Defendant/Respondent

FIRST CALIFORNIA BANK - Defendant/Respondent

FRIEND GERARD L. ESQ. - Attorney for Deft/Respnt

GERALD GOLDSTEIN REVOCABLE TRUST - Defendant/Respondent

GOLDSTEIN CLAIRE - Defendant/Respondent's AKA

GOLDSTEIN GERALD - Defendant/Respondent

GOLDSTEIN JERRY - Defendant/Respondent's AKA

Click on any of the below link(s) to see names that begin with the letter indicated:
TOP A - G H - W

HAAS MARY H. ESQ. - Attorney for Deft/Respnt

HACKNEY ELVA - Defendant/Respondent

JERRY GOLDSTEIN MUSIC INC. - Defendant/Respondent

LEVINE CLAIRE - Defendant/Respondent

LEVINE JACLYN - Defendant/Respondent

MAJOKEN INC. - Defendant/Respondent

MITCHELL SILBERBERG & KNUPP LLP - Attorney for Defendant/Respondent

ROBERTS KEN - Plaintiff/Petitioner

ROBERTS KENNETH - Plaintiff/Petitioner's AKA

SLY AND THE FAMILY STONE - Plaintiff/Petitioner's AKA

SONY MUSIC ENTERTAINMENT - Defendant/Respondent

SOUNDEXCHANGE INC. - Defendant/Respondent

STEWART SYLVESTER - Plaintiff/Petitioner

STONE FIRE PRODUCTIONS LTD. - Defendant/Respondent's AKA

STONE GLENN - Defendant/Respondent

STONE SLY - Plaintiff/Petitioner's AKA

TARLOW DAVID N. ESQ. - Attorney for Defendant/Respondent

TOPLEY STEPHEN - Defendant/Respondent

VENABLE LLP - Attorney for Deft/Respnt

WARNER-TAMERLANE PUBLISHING CORP. - Defendant/Respondent

WARNER/CHAPPELL MUSIC INC. - Defendant/Respondent

Click on any of the below link(s) to see names that begin with the letter indicated:
TOP A - G H - W

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Case Information | Party Information | Proceeding Information

Please make a note of the Case Number.

Click here to access document images for this case.
If this link fails, you may go to the Case Document Images site and search using the case number displayed on this page.

**Documents Filed** (Filing dates listed in descending order)

Click on any of the below link(s) to see documents filed on or before the date indicated:
04/27/2010 02/19/2010

**06/24/2010** Partial Dismissal(not entire case) (W/O PREJ., AS TO GLENN STONE AND STEPHEN TOPLEY ONLY DISM 8TH CAUSE OF ACTION AGAINST X-DEFT ROBERT J. ALLAN )
Filed by Attorney for Deft/Respnt

**06/22/2010** Motion for an Order (-DISCHARGING STAKEHOLDER, ETC )
Filed by Attorney for Deft/Respnt

**06/22/2010** Ex-Parte Application (UNOPPOSED EXPARTE APP OF THE WARNER DEFTS TO ADVANCE HRG DATE ON MOTION FOR ORDER DISCHARGING TAKEHOLDER )
Filed by Attorney for Defendant/Respondent

**06/21/2010** Motion for an Order (MOT TO SEAL )
Filed by Attorney for Deft/Respnt

**06/21/2010** Motion for an Order (MOT TO SEAL EXHIBITS G, H AND I )
Filed by Attorney for Deft/Respnt

**06/15/2010** Answer
Filed by Attorney for Plaintiff/Petitioner

**06/11/2010** Opposition Document
Filed by Attorney for Plaintiff/Petitioner

**06/07/2010** Notice (OF STATUS CONFERENCE AND ORDER )
Filed by Attorney for Plaintiff/Petitioner

**06/03/2010** Notice (ENTRY OF ORDER )
Filed by Attorney for Defendant/Respondent

**06/03/2010** Notice of Continuance
Filed by Attorney for Defendant/Respondent

**06/03/2010** Reply/Response
Filed by Attorney for Defendant/Respondent

**06/03/2010** Notice of Ruling
Filed by Attorney for Defendant/Respondent

**06/02/2010** Declaration (DEC OF ROD RUMMELSBURG )
Filed by Attorney for Plaintiff/Petitioner

**06/02/2010** Notice of Status Conference filed
Filed by Clerk

**06/02/2010** Notice (RE-ASSIGMNENT OF CASE. )
Filed by Attorney for Plaintiff/Petitioner

**06/01/2010** Order (RE: EXHIBIT )
Filed by Attorney for Defendant/Respondent

**06/01/2010** Notice (OF REJECTION APPLICATION AND ORDER FOR PUBLICATION )
Filed by Clerk

**06/01/2010** Ex-Parte Application
Filed by Attorney for Defendant/Respondent

**06/01/2010** Opposition Document
Filed by Attorney for Plaintiff/Petitioner

**05/25/2010** Opposition Document (TO MOT TO STRIKE )
Filed by Attorney for Pltf/Petnr

**05/25/2010** Notice (OF TRANSFER OF CASE TO D-1 )
Filed by Attorney for Pltf/Petnr

**05/25/2010** Opposition Document (TO DEM )

Filed by Attorney for Pltf/Petnr

**05/20/2010** Request for Judicial Notice
Filed by Attorney for Deft/Respnt

**05/20/2010** Reply/Response (TO PLAINTIFF'S OPP TO MTN TO QUASH )
Filed by Attorney for Deft/Respnt

**05/18/2010** Application - misc (FOR MAJOKEN INC. RECEIPT #LAC210323070 $20.00 5-20-10 SERVICE ON SECRETARY OF STATE (FAXED) )
Filed by Attorney for Pltf/Petnr

**05/13/2010** Proof of Service
Filed by Atty for Deft and Cross-Complnt

**05/12/2010** First Amended Cross Complaint
Filed by Atty for Deft and Cross-Complnt

**05/10/2010** Demurrer (TO ANSWER )
Filed by Attorney for Pltf/Petnr

**05/05/2010** Opposition Document (TO MTN TO QUASH )
Filed by Attorney for Pltf/Petnr

**05/05/2010** Answer to First Amended Complaint
Filed by Attorney for Deft/Respnt

**05/04/2010** Opposition Document (TO DEM )
Filed by Attorney for Pltf/Petnr

**05/03/2010** Opposition Document (TO EX PARTE )
Filed by Attorney for Pltf/Petnr

**05/03/2010** Ex-Parte Application (TO SEAL )
Filed by Atty for Deft and Cross-Complnt

**04/30/2010** Answer
Filed by Attorney for Defendant/Respondent

**04/28/2010** Proof-Service/Summons
Filed by Attorney for Pltf/Petnr

Click on any of the below link(s) to see documents filed on or before the date indicated:
TOP 04/27/2010 02/19/2010

**04/27/2010** Notice (AMENDED NOTICE OF DEMURRER TO ANSWER BY WARNER/CHAPPELL MUSIC INC. AND WARNER TAMERLANE PUB CORP )
Filed by Attorney for Pltf/Petnr

**04/27/2010** Notice (AMENDED NOTICE OF DEMURRER TO ANSWER BY STEPHEN TOPLEY )
Filed by Attorney for Pltf/Petnr

**04/26/2010** Motion to Quash (SERVICE OF SUMMONS )
Filed by Attorney for Deft/Respnt

**04/26/2010** Motion to Strike
Filed by Attorney for Deft/Respnt

**04/26/2010** Demurrer (TO ANSWER )
Filed by Attorney for Pltf/Petnr

**04/26/2010** Demurrer
Filed by Attorney for Deft/Respnt

**04/26/2010** Notice-Case Management Conference
Filed by Clerk

**04/22/2010** Demurrer (TO ANSWER BY DEFENDANT SOUNDEXCHAN GE INC TO FIRST AMENDED COMPLT )
Filed by Attorney for Pltf/Petnr

**04/19/2010** Notice of Ruling
Filed by Attorney for Deft/Respnt

**04/15/2010** Stipulation ( STIPULATION TO EXTEND TIME FOR DEFT BROADCASE MUSIC INC. )
Filed by Attorney for Deft/Respnt

**04/15/2010** Affidavit of Prejudice--Peremptory
Filed by Attorney for Pltf/Petnr

**04/15/2010** Cross-complaint
Filed by Atty for Deft and Cross-Complnt

**04/15/2010** Summons Filed
Filed by Atty for Deft and Cross-Complnt

**04/15/2010** Order (ORDER ON STIPULATION )
Filed by Attorney for Deft/Respnt

**04/15/2010** Answer to Complaint
Filed by Attorney for Deft/Respnt

**04/13/2010** Demurrer
Filed by Attorney for Deft/Respnt

**04/13/2010** Answer to First Amended Complaint
Filed by Attorney for Deft/Respnt

**04/07/2010** Demurrer (TO ANSWER TO FIRST AMENDED COMPLAINT BY DEFENDANT STEPHEN TOPLEY )
Filed by Attorney for Pltf/Petnr

**04/01/2010** Answer
Filed by Attorney for Defendant/Respondent

**04/01/2010** Affidavit of Prejudice--Peremptory
Filed by Attorney for Defendant/Respondent

**03/29/2010** Answer to Amended Complaint
Filed by Attorney for Defendant/Respondent

**03/24/2010** CCP 170.6 Application Filed
Filed by Attorney for Defendant/Respondent

**03/23/2010** Statement-Case Management
Filed by Attorney for Defendant/Respondent

**03/23/2010** Statement-Case Management
Filed by Attorney for Plaintiff/Petitioner

**03/19/2010** Stipulation (stipulation extending time for defendant soundexchange, inc. to respond to first amended complaint )
Filed by Attorney for Defendant/Respondent

**03/18/2010** Stipulation (stipulation to extend time for defendants to answer first amended complaint )
Filed by Attorney for Plaintiff/Petitioner

**03/18/2010** Proof of Service
Filed by Attorney for Plaintiff/Petitioner

**03/16/2010** Proof of Service
Filed by Attorney for Plaintiff/Petitioner

**03/12/2010** Proof of Service
Filed by Attorney for Plaintiff/Petitioner

**03/05/2010** Order
Filed by Court

**03/04/2010** Proof of Service
Filed by Attorney for Plaintiff/Petitioner

**03/03/2010** Proof of Service (1st amended complt, summons, etc. )
Filed by Attorney for Plaintiff/Petitioner

**03/03/2010** Proof of Service (first amended complt, summons, etc )
Filed by Attorney for Plaintiff/Petitioner

**03/02/2010** Proof of Service (summons & complt, etc. )
Filed by Attorney for Plaintiff/Petitioner

**02/25/2010** Application - misc
Filed by Attorney for Plaintiff/Petitioner

Click on any of the below link(s) to see documents filed on or before the date indicated:
TOP 04/27/2010 02/19/2010

**02/19/2010** Miscellaneous-Other (RESERVATION OF RIGHTS )
Filed by Attorney for Plaintiff/Petitioner

**02/18/2010** Miscellaneous-Other (RESERVATION OF RIGHTS TO SEEK PUNITIVE DAMAGES ON DEFAULT JUDGMENT )
Filed by Attorney for Plaintiff/Petitioner

**02/18/2010** Miscellaneous-Other (RESERVATION OF RIGHTS TO SEEK PUNITIVE DAMAGES ON DEFAULT JUDGMENT )
Filed by Attorney for Defendant/Respondent

**02/16/2010** Proof-Service/Summons (PARTY SERVED: STEPHEN TOPLEY )
Filed by Attorney for Plaintiff/Petitioner

**02/09/2010** Miscellaneous-Other (RESERVATION OF RIGHTS TO SEEK PUNITIVE DAMAGES )
Filed by Attorney for Plaintiff/Petitioner

**02/04/2010** First Amended Complaint
Filed by Attorney for Plaintiff/Petitioner

**02/02/2010** Miscellaneous-Other (RESERVATION OF RIGHTS TO SEEK PUNITIVE DAMAMGES )
Filed by Attorney for Plaintiff/Petitioner

**02/02/2010** Miscellaneous-Other (RESERVATION OF RIGHTS TO SEEK PUNITIVE DAMAGES )
Filed by Attorney for Plaintiff/Petitioner

**01/29/2010** Notice-Case Management Conference
Filed by Clerk

**01/28/2010** Complaint

Click on any of the below link(s) to see documents filed on or before the date indicated:
TOP 04/27/2010 02/19/2010

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Case Information | Party Information | Documents Filed

**Proceedings Held** (Proceeding dates listed in descending order)

**06/22/2010** at 08:30 am in Department 68, Mark V. Mooney, Presiding
Exparte proceeding - **Granted**

**06/02/2010** at 08:30 am in Department 68, Mark V. Mooney, Presiding
Exparte proceeding - **Denied**

**06/01/2010** at 08:30 am in Department 64, Kenneth R. Freeman, Presiding
Ex Parte Motion (D-68) - **Matter continued**

**05/28/2010** at 09:00 am in Department 1, ELIHU M. BERLE, Presiding

Order Re: Reassignment of Case - **Transferred to different departmnt**

**05/20/2010** at 08:30 am in Department 53, John P. Shook, Presiding
Affidavit of Prejudice - **Completed**

**05/03/2010** at 08:30 am in Department 55, Malcolm Mackey, Presiding
Exparte proceeding - **Granted in Part**

**04/09/2010** at 04:15 pm in Department 1, ELIHU M. BERLE, Presiding
Order Re: Reassignment of Case - **Transferred to different departmnt**

**04/01/2010** at 04:00 pm in Department 71, Soussan G. Bruguera, Presiding
Affidavit of Prejudice - **Granted**

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Case Information | Party Information | Documents Filed | Proceeding Information