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7 Attorneys for Plaintiff DC Comics

8 **UNITED STATES DISTRICT COURT**  
 9 **CENTRAL DISTRICT OF CALIFORNIA**

10 DC COMICS,

11 Plaintiff,

12 v.

13 PACIFIC PICTURES  
 CORPORATION, IP WORLDWIDE,  
 14 LLC, IPW, LLC, MARC TOBEROFF,  
 an individual, MARK WARREN  
 15 PEARY, as personal representative of  
 the ESTATE OF JOSEPH SHUSTER,  
 16 JEAN ADELE PEAVY, LAURA  
 SIEGEL LARSON, an individual and  
 17 as personal representative of the  
 ESTATE OF JOANNE SIEGEL, and  
 18 DOES 1-10, inclusive,

19 Defendants.

Case No. CV 10-3633 ODW (RZx)

Hon. Otis D. Wright II

**PLAINTIFF DC COMICS'**  
**REQUEST TO TAKE AUGUST 20,**  
**2012, HEARING DATE OFF**  
**CALENDAR DUE TO DEFENSE**  
**COUNSEL'S UNAVAILABILITY**

[PROPOSED] ORDER FILED  
 CONCURRENTLY HEREWITH

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1 Plaintiff DC Comics filed a Motion For Partial Summary Judgment On Its  
2 First And Third Claims For Relief (“DC’s Motion”) on July 16, 2012, which has  
3 been fully briefed (Docket Nos. 458, 462, 468) and is currently set for hearing  
4 before this Court on August 20, 2012. Marc Toberoff, counsel for defendants  
5 Laura Siegel Larson, Mark Warren Peary, and Jean Peavy, will be unavailable on  
6 August 20, 2012, due to a family vacation and has a hearing before the Second  
7 Circuit in another matter on September 10, 2012. All counsel are available on or  
8 after September 17, 2012, for a hearing on DC’s Motion. To accommodate Mr.  
9 Toberoff’s schedule, and with the Court’s permission, DC requests to take the  
10 August 20, 2012, hearing date for DC’s Motion off calendar and defers to the Court  
11 if and when a hearing should be scheduled. Mr. Toberoff has apprised DC that  
12 defendants anticipate filing a cross-motion for partial summary judgment on issues  
13 related to DC’s Motion that will be noticed for hearing in October 2012.

14 Dated: August 13, 2012

Respectfully submitted,

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O’MELVENY & MYERS LLP

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By: /s/ Daniel M. Petrocelli

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Daniel M. Petrocelli  
Attorneys for Plaintiff DC Comics

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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

DC COMICS,

Plaintiff,

v.

PACIFIC PICTURES CORPORATION, IP WORLDWIDE, LLC, IPW, LLC, MARC TOBEROFF, an individual, MARK WARREN PEARY, as personal representative of the ESTATE OF JOSEPH SHUSTER, JEAN ADELE PEAVY, an individual, LAURA SIEGEL LARSON, an individual and as personal representative of the ESTATE OF JOANNE SIEGEL, and DOES 1-10, inclusive,

Defendants.

Case No. CV-10-3633 ODW (RZx)

**[PROPOSED] ORDER  
GRANTING PLAINTIFF DC  
COMICS' REQUEST TO TAKE  
AUGUST 20, 2012, HEARING  
DATE OFF CALENDAR DUE TO  
DEFENSE COUNSEL'S  
UNAVAILABILITY**

Hon. Otis D. Wright II

1 IT IS HEREBY ORDERED that the August 20, 2012, hearing date for  
2 Plaintiff DC Comics' Motion For Partial Summary Judgment On Its First And  
3 Third Claims ("DC's Motion") is taken off calendar. Should the Court decide that  
4 oral argument on DC's Motion would be necessary or helpful, the Court will  
5 reschedule the hearing on or after September 17, 2012.

6 IT IS SO ORDERED.

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8 Dated:

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10 Honorable Otis D. Wright  
11 Judge, United States District Court

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 10-03633-ODW(RZx)	Date	August 13, 2012
Title	DC Comics v. Pacific Pictures Corporation et al		

Present: The Honorable	Otis D. Wright II, United States District Judge
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Sheila English

None Present

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None Present

None Present

**Proceedings:** (IN CHAMBERS) Order Vacating Hearing on MOTION for Partial Summary Judgment [458]

The hearing on the above-referenced motion, scheduled for August 20, 2012 at 1:30 p.m., is hereby **VACATED** and taken off calendar. No appearances are necessary.

The matter stands submitted, and will be decided upon without oral argument . An order will issue.

IT IS SO ORDERED.

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Initials of Preparer SE