

Peter J. Anderson, Esq., Cal. Bar No. 88891
E-Mail: pja@pjanderson.com
LAW OFFICES OF PETER J. ANDERSON
A Professional Corporation
100 Wilshire Boulevard, Suite 2010
Santa Monica, CA 90401
Tel: (310) 260-6030
Fax: (310) 260-6040

Attorney for Defendants
SONY MUSIC ENTERTAINMENT and
SARAH WEINSTEIN DENNISON

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

COURTNEY BARNES,)	Case No. CV14-00965 DPP (JCGx)
)	
Plaintiff,)	
)	
vs.)	FIRST AMENDED JOINT RULE
)	26(F) REPORT
SONY MUSIC ENTERTAINMENT)	
INC.; RCA MUSIC GROUP; SARAH)	Date: April 9, 2015
DENNISON, an individual; and DOES 1)	Time: 3:00 p.m.
through 100, inclusive,)	
)	Courtroom of the Honorable
Defendants.)	Dean D. Pregerson
)	United States District Judge

JOINT RULE 26(F) REPORT

Prior to the Court's issuance of an Order setting a scheduling conference, plaintiff Courtney Barnes and defendants Sony Music Entertainment – sued erroneously as “Sony Music Entertainment, Inc.” and “RCA Music Group” – and Sarah Weinstein Dennison, filed a Joint Rule 26(f) Report (Document 6). In light of the Court's Order setting a scheduling conference for April 9, 2015 (Document 11) and the circumstances since the initial Joint Report, the foregoing parties respectfully submit this First Amended Joint Rule 26(f) Report pursuant to Rule 26(f) of the Federal Rules of Civil Procedure and Local Rule 26-1.

1. SUMMARY OF THE CASE

Plaintiff filed this action in the Superior Court of the State of California, County of Los Angeles. Within 30 days after plaintiff's discovery responses revealed that the amount in controversy exceeds \$75,000 exclusive of interest and attorney's fees, defendants removed the case to this Court on the grounds of diversity.

In his Complaint, plaintiff alleges that defendants interfered with his contract to serve as the publicist of a recording artist plaintiff refers to in the Complaint as “Recording Artist X” and “Artist,” and who plaintiff advises is the recording artist professionally known as Fantasia. Plaintiff asserts claims for intentional interference with contractual relations and intentional interference with prospective economic relations.

Defendants, who have filed their Answer to plaintiff's Complaint, dispute plaintiff's allegations and deny having anything to do with any decision by Fantasia not to use plaintiff's services.

2. PROPOSED DISCOVERY PLAN

(a) Initial Disclosures

The parties do not believe that any changes should be made in the timing, form or requirements for initial disclosures under Federal Rule of Civil Procedure

26(a), and agreed to provide those disclosures by August 8, 2014.

(b) Changes in Limitations re Discovery

The parties do not believe that any changes should be made in the limitations on discovery imposed by the Federal Rules of Civil Procedure or by Local Rule.

The parties have agreed that in the event discovery of confidential information is pursued, they will cooperate in the preparation and submission of a proposed Protective Order limiting the use and disclosure of the confidential information.

(c) Anticipated Discovery; Whether Discovery Should be Conducted in Phases or Otherwise Ordered or Limited; Discovery Cut-Off Date; Expert Witnesses

Plaintiff and counsel discussed the subjects on which they presently anticipate discovery will be needed and those subjects include plaintiff's alleged contractual or economic relations; the alleged interference with those contractual or economic relations; and plaintiff's claimed damages to his reputation and claimed lost profits.

Defendants served a Request for Admissions, Interrogatories and a Request for Production on plaintiff. Plaintiff provided responses that defendants believe are deficient and the parties will endeavor to resolve the issues as to that discovery. Plaintiff intends to serve written discovery on defendants.

The parties anticipate a substantial number of depositions, including depositions out of state, of not only the parties but of third party witnesses including two recording artists and their respective past or present managers. However, they have pursued the possibility of informally obtaining certain information from two of those managers and, to that end, one has provided his Declaration that defendants were not the reason that Fantasia decided not to use plaintiff's services.

Plaintiff intends to depose another non-party on April 14, 2015, and possibly the manager who provided a Declaration, and intends to reevaluate prosecuting this action once that deposition has been taken. If plaintiff does determine to continue to

///

1 prosecute this action, counsel propose taking the remaining depositions in May-
2 August 2015 and completing follow-up discovery by October 31, 2015.

3 Accordingly, the parties respectfully request that the Court set an October 31,
4 2015 fact discovery cut-off.

5 The parties also respectfully request that the Court set expert designations and
6 discovery deadlines as follows:

- 7 • Initial expert designations within 14 days of the fact discovery cutoff
8 (or November 16, 2015);
- 9 • Rebuttal expert designations within 28 days of the initial
10 designations (or December 14, 2015); and
- 11 • Expert discovery cutoff date 21 days after the rebuttal expert
12 disclosures (or January 4, 2016).

13 **3. WHETHER THIS CASE IS COMPLEX**

14 The parties agree that this action is not “complex” and does not require
15 utilization of any of the procedures of the Manual for Complex Litigation.

16 **4. ANTICIPATED DISPOSITIVE MOTIONS AND MOTION SCHEDULE**

17 Defendants intend to file a motion for summary judgment or partial summary
18 judgment.

19 The parties respectively propose January 11, 2016 as the cutoff date for filing
20 dispositive motions, with the following briefing schedule:

- 21 • Plaintiff’s opposition due January 25, 2016;
- 22 • Defendant’s reply due February 8, 2016; and
- 23 • Hearing on February 22, 2016, or the next date thereafter available
24 to the Court.

25 **5. SETTLEMENT**

26 The parties have discussed the possibility of settlement, but at this time they
27 are unable to advise as to the likelihood of settlement. The parties believe that an
28 appropriate procedure for maximizing settlement prospects would be for the

1 Magistrate Judge assigned to the case to conduct settlement proceedings, pursuant to
2 Local Rule 16-15.4, Settlement Procedure No. 1.

3 **6. TRIAL ESTIMATE.**

4 Plaintiff's motion with respect to jury trial has been briefed and taken under
5 submission by the Court (Documents 7-10). In the meantime, the parties estimate a
6 four day bench trial, provided that if the Court prefers to have direct testimony by
7 declaration, the parties preliminary estimate a two day bench trial. If the matter
8 were to proceed by jury trial, the parties estimate a five to six day jury trial.

9 **7. THE LIKELIHOOD OF THE APPEARANCE OF ADDITIONAL**
10 **PARTIES**

11 The parties do not anticipate the appearance of additional parties.

12
13 Dated: March 25, 2015

/s/ James J. Orland
James J. Orland, Esq.
ORLAND LAW GROUP
A Professional Corporation
Attorney for Plaintiff
COURTNEY BARNES

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17
18 Dated: March 25, 2015

/s/ Peter J. Anderson
Peter J. Anderson, Esq.
LAW OFFICES OF PETER J. ANDERSON
A Professional Corporation
Attorney for Defendants
SONY MUSIC ENTERTAINMENT and
SARAH WEINSTEIN DENNISON

Attestation Regarding Signatures

The undersigned attests that all signatories listed, and on whose behalf this filing is submitted, concur in this filing's content and have authorized its filing.

Dated: March 25, 2015

/s/ Peter J. Anderson
Peter J. Anderson, Esq.