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 7 DRIVE IN 24, LLC and MILK STUDIOS, LLC

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

11 Briese USA, Inc.,	}	Case No. CV 07-07631 GHK (CWx)
12 Plaintiffs,	}	<b>JOINT STATUS REPORT AND STIPULATION FOR ADDITIONAL TIME FOR SETTLEMENT DISCUSSIONS IN RESPONSE TO AUGUST 17, 2009 ORDER RE: SETTLEMENT CONFERENCE</b>
13 vs.	}	
14 Milk Studios, LLC, et al.,	}	
15 Defendants.	}	
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17 AND RELATED CASES.  
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1 Pursuant to the Court's request, Plaintiff and Counter-Defendant Briese USA,  
2 Inc. ("Plaintiff") and Defendants and Counter-Claimants Briese Lichttechnik  
3 Vertriebs GmbH and Hans-Werner Briese ("Counter-Claimants") hereby submit the  
4 following joint status report for the related actions: (i) *Briese USA, Inc. v. Briese*  
5 *Lichttechnik Vertriebs GmbH, et al.*, Case No. CV 07-2735 GHK (CWx); (ii) *Briese*  
6 *USA, Inc. v. Samy's Camera, Inc., et al.*, Case No. CV 07-3815-GHK (CWx); and  
7 (iii) *Briese USA, Inc. v. Milk Studios, LLC, et al.*, Case No. CV 07-7631-GHK  
8 (CWx).

9 **Plaintiff's position**

10 Plaintiff and defendants Samy's Camera Inc. and Mr. Samy Kamienowicz  
11 reached a settlement in CV 07-3815. The stipulation of dismissal for these parties  
12 was signed and approved by the Court on January 15, 2010.

13 Settlement discussions with Briese GmbH terminated no later than December  
14 4, 2010 and more likely even before then. There were no settlement discussions  
15 between these parties after December 4, 2009.

16 The timeline for settlement proposals between these parties are as follows:

17 September 15, 2009. Mr. Langton makes a settlement proposal to Briese  
18 GmbH. No counteroffer made by Briese GmbH at that time.

19 September 16, 2009. Settlement proposal in writing by email to counsel for  
20 Briese GmbH.

21 October 19, 2009. Through counsel, Mr. Langton proposes to meet with Mr.  
22 Briese in person with Mr. Briese in New York while Mr. Briese is in New York City  
23 for a trade show. On October 27, 2009, counsel for Briese GmbH rejects that  
24 proposal.

25 November 16, 2009. Written request made to counsel for Briese GmbH for a  
26 point by point response to Mr. Langton's settlement proposals. Result: No response  
27 from Briese GmbH.

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November 25, 2009. In the parties' joint statement filed with the Court in the first New York action filed by Briese, Briese GmbH states it does not contemplate settlement at this time.

December 4, 2009. Counsel attended the initial case management conference before Judge Swain in *Briese Lichttechnik Vertriebs GmbH v. B2Pro and Brent Langton*, Case No. 09 Civ. 7279 filed in the U.S. District Court for the Southern District of New York. Judge Swain granted Briese's oral application to voluntarily dismiss the complaint in that action without prejudice in light of Briese's filing of a new action, Case No. 09 Civ. 9790, between the same parties.

Counsel for the parties conferred in settlement discussions after the case management conference. At that December 4th conference, Mr. Langton made a settlement offer for all ongoing litigation (California and New York), which Briese GmbH's counsel declined to consider, declined to respond to and Briese's GmbH's counsel got up and walked out of the conference room without making any counteroffers. No more settlement discussions take place after this date.

February 5, 2010. In the parties' joint statement filed with the Court in the second New York action filed by Briese, Briese GmbH states it does not contemplate settlement at this time.

On February 11, 2010, counsel attend the initial case management conference before Judge Swain in Briese's second filed action in New York.

Plaintiff's principal, Mr. Langton is arranging to meet with the principals for Milk Studios, Drive In 24 LLC and Monster Lighting within the next fourteen (14) days to discuss a possible resolution with those parties and possible settlement(s) with them.

Plaintiff respectfully request that the principals of the parties themselves i.e. the Brieses, Mr. Langton and Mr. Ortiz, by ordered to all appear in person before the court, or Magistrate Woehrle, to present their various positions discussed herein.

1 Plaintiff has pending a motion which it intends to renew against the Brieses for  
2 failure to attend the court-ordered settlement conference in Germany [Document 341  
3 in 07-2735] which is currently under submission by Judge Woehrlé.

4 Counter-Claimants' position

5 Pursuant to the joint status report that was filed with the Court on November  
6 25, 2009, in which the parties informed the Court that settlement negotiations were  
7 ongoing, on December 15, 2009, Plaintiff's counsel requested a detailed settlement  
8 proposal from Counter-Claimants. In response, on December 24, 2009, counsel for  
9 Counter-Claimants sent a written, detailed settlement proposal to Plaintiff's counsel.  
10 On February 9, 2010, Plaintiff's counsel responded, for the first time, to the  
11 December 24, 2009 settlement proposal by stating Plaintiff was not agreeable to the  
12 proposal. Plaintiff's counsel also indicated he was not interested in pursuing further  
13 settlement negotiations. Therefore, the parties are unable to settle the CV 07-2735  
14 matter. As such, pursuant to the Court's order dated August 17, 2009, Counter-  
15 Claimants will be filing a Motion for Contempt against Plaintiff within the next  
16 fourteen days.

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1 With respect to the CV 07-3815 and CV 07-7631 matters, Plaintiff and  
 2 defendants Samy's Camera Inc. and Mr. Samy Kamienowicz reached a settlement in  
 3 CV 07-3815. The stipulation of dismissal for these parties was signed and approved  
 4 by the Court on January 15, 2010. Plaintiff's counsel has indicated that Plaintiff's  
 5 principal, Mr. Langton, is arranging to meet with the principals for Milk Studios,  
 6 Drive In 24 LLC and Monster Lighting in the next fourteen days to discuss a possible  
 7 resolution with those parties and possible settlement(s) with them.

8 Respectfully submitted,

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10 Dated: February 12, 2010

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12  
13 By: 

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17 Dated: February 12, 2010

SCHEWE AND ASSOCIATES

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