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and Warner Bros. Discovery, Inc.

14 **IN THE UNITED STATES DISTRICT COURT**

15 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

16 ALCON ENTERTAINMENT, LLC, a
17 Delaware Limited Liability Company,

18 Plaintiff,

20 v.

21 TESLA, INC., a Texas Corporation;
22 ELON MUSK, an individual;
23 WARNER BROS. DISCOVERY,
INC., a Delaware Corporation,

24 Defendants.

Case No. 2:24-cv-09033-GW-RAO

**JOINT STIPULATION FOR ORDER
SETTING A BRIEFING SCHEDULE
FOR TESLA, INC. AND ELON
MUSK’S MOTION TO DISMISS AND
STAYING THE DEADLINE FOR
WARNER BROS. DISCOVERY,
INC.’S RESPONSE TO PLAINTIFF’S
THIRD AMENDED COMPLAINT**

District Judge: Hon. George H. Wu
Magistrate Judge: Hon. Rozella A. Oliver

Third Amended Complaint filed:
Oct. 2, 2025

Current response date: Dec. 8, 2025

JOINT STIPULATION

Plaintiff Alcon Entertainment, LLC (“Plaintiff”) and Defendants Tesla, Inc. (“Tesla”), Elon Musk, and Warner Bros. Discovery, Inc. (“WBDI”), by and through their respective counsel, hereby stipulate and enter into this Joint Stipulation for an Order Staying the Deadline for WBDI to Respond to Plaintiff’s Third Amended Complaint.

WHEREAS, Plaintiff filed its Third Amended Complaint on October 2, 2025 (Dkt. No. 81);

WHEREAS, the Third Amended Complaint contains two claims for relief: a First Claim for Relief for direct copyright infringement against Tesla and Musk and a Second Claim for Relief for contributory copyright infringement against WBDI;

WHEREAS, Defendants’ original deadline to respond to Plaintiff’s Third Amended Complaint was October 23, 2025;

WHEREAS, Plaintiff and Defendants WBDI, Tesla, and Musk (collectively, the “Parties”) previously stipulated and entered into two Joint Stipulations for Orders Extending Time for Defendants to Respond to Plaintiff’s Third Amended Complaint to allow the Parties to explore potential avenues for settlement (Dkt. Nos. 82, 84), and the Court granted the Parties’ previous Joint Stipulations, extending Defendants’ deadline to respond to Plaintiff’s Third Amended Complaint from October 23, 2025 to December 8, 2025 (Dkt. Nos. 83, 85);

WHEREAS, the Parties have met and conferred, and Defendants Tesla and Musk intend to file a motion to dismiss Plaintiff’s First Claim for Relief under Rule 12(b)(6);

WHEREAS, Plaintiff, Tesla, and Musk have agreed to notice February 5, 2026, as the hearing date for Tesla and Musk’s forthcoming motion to dismiss and confirmed the same with Judge Wu’s Courtroom Deputy;

1 WHEREAS, in light of the February 5, 2026, hearing date and the intervening
2 holidays, Plaintiff, Tesla, and Musk have agreed to extend the briefing deadlines
3 related to Tesla and Musk’s motion to dismiss, such that Tesla and Musk will file
4 their motion by December 15, 2025, Plaintiff will file its opposition brief by January
5 7, 2026, and Tesla and Musk will file their reply brief by January 15, 2026;

6 WHEREAS, Plaintiff and WBDI agree that an order staying WBDI’s deadline
7 to answer the Third Amended Complaint until this Court has heard and decided
8 Tesla and Musk’s forthcoming motion to dismiss would promote efficiency and
9 conserve judicial resources, since (a) the Court’s ruling on that motion could moot
10 Plaintiff’s Second Claim for Relief against WBDI, and (b) even if the Court’s ruling
11 on Musk and Tesla’s intended motion does not moot Plaintiff’s Second Claim for
12 Relief against WBDI, it would be more efficient for discovery and other purposes
13 for the Parties to answer the Third Amended Complaint at the same time if and
14 when it is set as the final operative complaint;

15 WHEREAS, Plaintiff communicated to Defendants that Plaintiff’s
16 willingness to enter into a stay of WBDI’s responsive pleading deadline was and is
17 dependent on WBDI agreeing to answer the Third Amended Complaint (rather than
18 filing a separate motion to dismiss) if Musk and Tesla’s intended motion to dismiss
19 does not moot Plaintiff’s Second Claim for Relief;

20 WHEREAS, Plaintiff and WBDI agree that in the event the Court’s decision
21 on Tesla and Musk’s forthcoming motion to dismiss does not moot Plaintiff’s
22 Second Claim for Relief against WBDI, WBDI will respond to the Third Amended
23 Complaint, provided it is the final operative complaint, in the form of a responsive
24 pleading (*i.e.*, an answer to the Third Amended Complaint, rather than a separate
25 motion to dismiss);
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1 NOW THEREFORE, the Parties, by and through their respective counsel,
2 hereby STIPULATE AND AGREE as follows:

3 1. Plaintiff, Tesla, and Musk stipulate and respectfully request that the
4 Court enter an order setting the following briefing schedule for Tesla and Musk’s
5 motion to dismiss the First Claim for Relief in the Third Amended Complaint: Tesla
6 and Musk shall file their motion by December 15, 2025; Plaintiff shall file its
7 opposition brief by January 7, 2026; and Tesla and Musk shall file their reply by
8 January 15, 2026.

9 2. Plaintiff and WBDI stipulate and respectfully request that the Court
10 enter an order staying WBDI’s deadline to file a responsive pleading to the Third
11 Amended Complaint until this Court has heard and decided Tesla and Musk’s
12 forthcoming motion to dismiss the First Claim for Relief in the Third Amended
13 Complaint, subject to that condition that in the event the Court’s decision on Tesla
14 and Musk’s forthcoming motion to dismiss does not moot Plaintiff’s Second Claim
15 for Relief against WBDI, WBDI will respond to the Third Amended Complaint in
16 the form of a responsive pleading (*i.e.*, an answer, rather than a separate motion to
17 dismiss).

18 3. All Parties otherwise respectively reserve all rights and positions.
19

20 Dated: December 4, 2025

FISH & RICHARDSON P.C.

21 /s/ Vivian Cheng

22 Vivian Cheng (*pro hac vice*)

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Warner Bros. Discovery, Inc.

1 Dated: December 4, 2025

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SIGNATURE CERTIFICATION

Pursuant to Local Rule 5-4.3.4(a)(2)(i), I, Vivian Cheng, attest that all other signatories listed above concur in this filing’s content and have authorized the filing.

/s/ Vivian Cheng
Vivian Cheng