

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

LOUIS A. PERRETTA, JR.; FRANK
PERRETTA,

Plaintiffs-Appellants,

v.

PROMETHEUS DEVELOPMENT
COMPANY, INC.; SANFORD N.
DILLER; JOHN J. MURPHY; VICKI R.
MULLINS,

Defendants-Appellees.

No. 06-15526

D.C. No.
CV-05-02987-WHA
Northern District of
California,
San Francisco

ORDER

Filed May 23, 2008

Before: David R. Thompson and Milan D. Smith, Jr.,
Circuit Judges, and William Q. Hayes,* District Judge.

ORDER

The Defendants-Appellees' motion to file a reply is GRANTED.

The Defendants-Appellees' Petition for Panel Rehearing is GRANTED. The opinion dated March 27, 2008, is withdrawn.

The court requests supplemental briefing by the parties regarding the applicability of the ratification provision of Cal. Corp. Code § 16103(b)(3) to the issue of whether the vote in this case was sufficient to ratify the transaction. The simulta-

*The Honorable William Q. Hayes, United States District Judge for the Southern District of California, sitting by designation.

neous briefs may not exceed twenty (20) pages, and shall be due no later than June 13, 2008.

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