

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

EDGAR W. TUTTLE, ERIC BRAUN, THE
BRAUN FAMILY TRUST, and WENDY
MEG SIEGEL, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

SKY BELL ASSET MANAGEMENT, LLC, *et*
al.,

Defendants.

No. C 10-03588 WHA

**ORDER GRANTING DEFENDANT
ERNST & YOUNG LLC LEAVE TO
FILE MOTION TO DISMISS AND
SCHEDULING ORDER**

Pursuant to the second amended case management order, newly-appearing defendant Ernst & Young LLC, has filed a précis requesting leave to file a motion to dismiss, to assert insufficient service of process and lack of personal jurisdiction. Ernst & Young has been named as an auditor defendant, and its counsel have filed a notice of appearance concurrent with the filing of their précis.

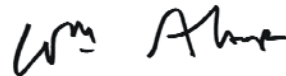
Any opposition to the précis would be due on Monday, May 9, but because that is also the deadline for the other auditor defendants to file their motion to dismiss — which Ernst & Young wishes to join — based on other grounds, and because the précis states that plaintiffs do not oppose, leave will be granted at this time. In the future, however, the parties shall please endeavor to file such précis with enough time to account for effective case management in light of the standing opposition deadline.

1 Defendant Ernst & Young's request for leave to file a motion to dismiss is **GRANTED**,
2 with the following conditions. Defendant's opening brief is due on **MAY 12, 2011**, and shall be
3 limited to 15 pages. Defendant shall notice the hearing on the motion for **JUNE 16, 2011, AT**
4 **2:00 P.M.** Opposition and reply deadlines are set accordingly by the local rules. The opposition
5 brief shall be limited to 15 pages, and the reply brief shall be limited to 10 pages. Counsel for
6 both sides shall please do their best to minimize exhibits.

7 The précis indicates that the other auditor defendants plan to move to dismiss the second
8 amended complaint rather than answer, with a filing deadline of May 9, pursuant to the order
9 granting in part, denying in part, and holding in abeyance in part defendants' motions to dismiss
10 dated April 11. Ernst & Young is granted leave to join that motion. The auditor defendants
11 shall also notice that motion for **JUNE 16, 2011, AT 2:00 P.M.**

12
13 **IT IS SO ORDERED.**

14
15 Dated: May 6, 2011.



16 WILLIAM ALSUP
17 UNITED STATES DISTRICT JUDGE