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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,

No. C 10-03588 WHA

Plaintiffs,

v.

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

Defendants.

**ORDER RE ERNST & YOUNG, LLC'S
PRÉCIS FOR LEAVE TO FILE MOTION
TO STRIKE PLAINTIFFS'
MEMORANDUM REGARDING ISSUES
HELD IN ABEYANCE FROM PRIOR
MOTION TO DISMISS**

With respect to the request (filed August 16, 2011) by Ernst & Young, LLC for leave to file a further motion, Ernest & Young, LLC is hereby permitted to file a five-page memorandum directed solely at “[p]lanitffs' new arguments based on old evidence” as requested at page three. This memorandum should also address the significance of the change in language in the engagement letter starting 2007, stating among other things “[w]e will report to the partnership's partners . . .” (Gilmore Exh. B at 23). Explain why this was not an undertaking to report to partners in California, at least beginning with the engagement letter for 2007.

1 There will be no reply memoranda. The request to file a motion otherwise is **DENIED**.
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3 **IT IS SO ORDERED.**
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5 Dated: September 8, 2011.
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WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE