

United States District Court
For the Northern District of California

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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 by its co-
trustee ERIC BRAUN, and WENDY MEG
SEIGEL, on behalf of themselves and all
others similarly situated

No. C 10-03588 WHA

ORDER REQUIRING RESPONSE

Plaintiffs,

v.

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

Defendants.

At the hearing on the motion for class certification on October 19, 2011, plaintiffs' counsel and defendant Rothstein Kass & Company's counsel both indicated that, at a minimum, the proposed PipeLine class had 93 members. In response to the order conditionally certifying the proposed classes, plaintiffs submitted under seal a list of limited partners in each of the proposed classes. In total, that list identifies 39 limited partners for PipeLine Investors, of which, by the Court's count, only 35 are non-defendant investors.

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By **NOON (PST) TOMORROW, FEBRUARY 3, 2012**, counsel shall explain the discrepancy in the number of prospective PipeLine class members stated at the class certification hearing and the number identified in plaintiffs' under seal submission. Counsel shall affirmatively state the number of prospective class members in the proposed PipeLine class.

IT IS SO ORDERED.



Dated: February 2, 2012.

WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE