

1 EDWARD S. ZUSMAN (SBN 154366)  
 ezusman@mzclaw.com  
 2 KEVIN K. ENG (SBN 209036)  
 keng@mzclaw.com  
 3 MARKUN ZUSMAN FRENIERE & COMPTON LLP  
 465 California Street, 5th Floor  
 4 San Francisco, California 94104  
 Telephone: (415) 438-4515  
 5 Facsimile: (415) 434-4505

6 Attorneys for Plaintiffs

7

8

9

UNITED STATES DISTRICT COURT

10

FOR THE NORTHERN DISTRICT OF CALIFORNIA

11

SAN FRANCISCO DIVISION

12

STEVEN SIEGAL, JAMES RYBICKI, DAVID )  
 GROBLEBE, individually and as General Partner )  
 13 of GROBCO II, and CHRISTIAN WIPF, ON )  
 BEHALF OF THEMSELVES AND ALL )  
 14 INDIVIDUALS SIMILARLY SITUATED, )

) Case No. 13 Civ. 3570-RS

) **STIPULATION AND ~~PROPOSED~~**  
 ) **ORDER RE EXCEEDING PAGE**  
 ) **LIMITATIONS**

15

) Plaintiffs,)

16

) vs. )

17

G. THOMAS GAMBLE, LOREN J. MILLER, )  
 HENRY LOWENSTEIN, PAUL W. BATEMAN, )  
 18 EDWARD M. GABRIEL, JAMES S. MAYER, )  
 BEHROOZ SARAFRAZ, LYNN BLYSTONE, )  
 19 ALFRED LOPEZ, MASTON CUNNINGHAM, )  
 JOHN DURBIN, GREG BILLINGER, K&L )  
 20 GATES LLP, CHARLES A. DALE III, JOSHUA )  
 LANE, AND DOES 1 THROUGH 100, )  
 21 INCLUSIVE, )

) Defendants.)

23

24 ///

25 ///

26 ///

27 ///

28 ///

1 WHEREAS, Plaintiffs and certain Defendants (together, the “Settling Parties”) have  
2 entered into a Settlement Agreement;

3 WHEREAS, pursuant to the Settlement Agreement, Plaintiffs will, on January 28, 2015,  
4 file a Motion For Preliminary Approval of the Settlement;

5 WHEREAS, the Settlement Agreement involves multiple parties, and implicates jointly  
6 administered proceedings currently in the United States Bankruptcy Court for the District of  
7 Delaware (Case No. 12-12291 (MFW)) (the “Bankruptcy Proceedings”);

8 WHEREAS, Plaintiffs have been preparing their Motion and supporting documents in  
9 anticipation of the filing on January 28, 2015;

10 WHEREAS, the Court’s Civil Local Rules provide for a 25-page limitation for motions  
11 (*see* Civil L.R. 7-2(b));

12 WHEREAS, Plaintiffs anticipate that they will require additional pages beyond the 25-  
13 page limit, due to the complexities of the case, including large number of parties, the related  
14 Bankruptcy Proceedings, and the multiple legal issues implicated in the Motion For Preliminary  
15 Approval of the Settlement;

16 WHEREAS, Plaintiffs believe the additional discussion will benefit the parties and the  
17 Court in that it will more clearly lay out the factual circumstances, procedural history, and  
18 discussion of the legal analysis relevant to the upcoming Motion;

19 WHEREAS, Plaintiffs request an additional 5 pages for their Motion;

20 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between  
21 and among all parties, subject to the approval of the Court, as follows (the “Stipulation”):

- 22 1. Plaintiffs’ Administrative Motion to exceed page limitations shall be granted;
- 23 2. Plaintiffs’ Memorandum In Support of Motion For Preliminary Approval shall be  
24 not more than 30 pages.

25 Dated: January 22, 2015

SIMPSON THACHER & BARTLETT LLP

26 By /s/  
27 George S. Wang

28

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

Attorneys for Defendants Paul W. Bateman, Greg Billinger, Maston Cunningham, John Durbin, Edward M. Gabriel, Henry Lowenstein, James S. Mayer, and Loren J. Miller

Dated: January 22, 2015

AKERMAN LLP

By /s/  
Karen Palladino Ciccone

Attorneys for Defendant Lynn Blystone

Dated: January 23, 2015

By /s/  
Behrooz Sarafraz

Defendant Pro Se

Dated: January 21, 2015

COOKE KOBRICK & WU LLP

By /s/  
Christopher C. Cooke

Attorneys for Defendant Alfred Lopez

Dated: January 26, 2015

REED SMITH LLP

By /s/  
James Neudecker

Attorneys for Defendant G. Thomas Gamble

Dated: January 26, 2015

K&L GATES LLP

By /s/  
Charles Tea

Attorneys for Defendants K&L Gates LLP, Charles A. Dale III, and Joshua Lane

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

Dated: January 21, 2015

MARKUN ZUSMAN FRENIERE & COMPTON  
LLP

By /s/  
Kevin K. Eng

Attorneys for Plaintiffs

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

~~PROPOSED~~ ORDER

Pursuant to the parties' stipulation and pursuant to Rule 7-11 of the Civil Local Rules, the Court hereby adopts and approves the terms of the parties' stipulation set forth above. Plaintiffs' Administrative Motion to exceed page limitations is granted. Plaintiffs' Memorandum In Support Of Motion For Preliminary Approval shall be not more than 30 pages in length.

IT IS SO ORDERED.

Dated: 1/26/15

  
The Honorable Richard Seeborg  
United States District Judge

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

**FILER'S ATTESTATION**

I, Kevin K. Eng, am the ECF user whose identification and password are being used to file this Stipulation and [Proposed] Order. In compliance with Civil Local Rule 5-1, I hereby attest that George S. Wang, Karen Ciccone, Behrooz Sarafraz, Christopher C. Cooke, James Neudecker, Charles Tea, and Kevin K. Eng concur in this filing.

/s/ \_\_\_\_\_  
Kevin K. Eng  
Attorneys for Plaintiffs