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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KEVIN MARILLEY, et al.,

No. C-11-02418 DMR

Plaintiff,

**ORDER TO FILE SUPPLEMENTAL
BRIEFING**

v.

JOHN MCCAMMAN, et al.,

Defendants.

On July 25, 2011, the parties filed a stipulation and proposed order regarding a proposed briefing schedule on Defendants' Motion to Dismiss the complaint. The proposed order was entered on August 8, 2011 [Docket No. 7]. On August 22, 2011, Defendants filed their Motion to Dismiss the complaint [Docket No. 16]. After Defendants filed their motion, Plaintiffs filed their First Amended Complaint ("FAC") [Docket No. 33]. In Defendants' reply brief, which is based upon the FAC, Defendants appear to have raised a factual attack on jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(1) with respect to Plaintiffs' standing to pursue claims based upon the Dungeness crab vessel permit fees. (Defs.' Reply 3-7.) Accordingly, the court orders Plaintiffs to present an affidavit or other evidence necessary to satisfy their burden of establishing subject matter jurisdiction. *See Safe Air for Everyone v. Meyer*, 373 F.3d 1035, 1039 (9th Cir. 2004). In addition, Plaintiffs shall provide argument, limited to two pages in length, regarding Plaintiffs' standing to pursue claims based upon the Dungeness crab vessel permit fees. Plaintiffs' brief and all attachments thereto shall be submitted by no later than **October 31, 2011**.

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IT IS SO ORDERED.

Dated: October 25, 2011

