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2 **GROSS LAW**

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8 *Counsel for Plaintiffs and the*
9 *Proposed Class*

10
11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 OAKLAND DIVISION

14 **KEVIN MARILLEY, and SALVATORE**)
15 **PAPETTI**, on behalf of themselves and)
16 similarly situated,)

17 **Plaintiffs,**)

18 **v.**)

19 **JOHN McCAMMAN**, in his personal and)
20 official capacity; **Donald Koch**, in his)
21 personal and official capacity; **Jim**)
22 **Kellogg**, in his personal and official)
23 capacity; **Richard B. Rogers**, in his)
24 personal and official capacity; **Michael**)
25 **Sutton**, in his personal and official)
26 capacity; **Daniel W. Richards**, in his)
27 personal and official capacity; and **Jack**)
28 **Baylis**, in his personal and official)
capacity,)

Defendants.)

Case No. 11-cv-2418 (DMR)

**STIPULATION AND [PROPOSED]
ORDER EXTENDING DEADLINE TO
ADD ADDITIONAL PLAINTIFFS AND
GRANTING PLAINTIFFS LEAVE TO
FILE AN AMENDED COMPLAINT
ADDING SAVIOR PAPETTI AS AN
ADDITIONAL LEAD PLAINTIFF**

**STIPULATION AND [PROPOSED] ORDER EXTENDING DEADLINE TO ADD ADDITIONAL
PLAINTIFFS AND GRANTING PLAINTIFFS LEAVE TO FILE AN AMENDED COMPLAINT ADDING
SAVIOR PAPETTI AS AN ADDITIONAL LEAD PLAINTIFF; CASE NO. 11-cv-2418**

1 WHEREAS, in its Initial Scheduling Order, the Court set September 30, 2011 as the last
2 day to seek leave to add additional plaintiffs;

3 WHEREAS, on September 27, 2011, Plaintiff Kevin Marilley filed a First Amended
4 Complaint through which he added Salvatore Papetti as an additional lead plaintiff;

5 WHEREAS, Defendants, in their Motion to Dismiss, challenged the standing of Plaintiff
6 Kevin Marilley to assert claims that arise out of the nonresident fees charged for Dungeness
7 crab vessel permits, and, in their Reply In Support of their Motion to Dismiss (filed after
8 Plaintiff filed his First Amended Complaint) challenged the standing of both Plaintiffs to pursue
9 the crab permit claims;

10 WHEREAS, Plaintiffs' counsel declares that Savior Papetti jointly holds a Dungeness
11 crab vessel permit with his father, Plaintiff Salvatore Papetti, and has since signed a retainer
12 agreement with Plaintiffs' counsel, agreeing to act as a lead plaintiff in this action, and has
13 agreed to consent to a magistrate judge for all purposes;

14 WHEREAS, Plaintiffs' counsel asserts that Savior Papetti can establish standing to
15 challenge the nonresident fees charged for Dungeness crab vessel permits and will do so either
16 in the amended complaint or with the simultaneous filing of an affidavit; and

17 WHEREAS, Defendants' Motion to Dismiss is scheduled to be heard by the Court on
18 November 3, 2011.

19 THE PARTIES HEREBY STIPULATE AND AGREE, IN ACCORDANCE WITH CIVIL
20 LOCAL RULES 6-2 AND 7-12, SUBJECT TO COURT APPROVAL:

21 1. The last day to file an amended complaint to add plaintiffs is extended to ten (10)
22 days after the Court issues a decision on Defendants' Motion to Dismiss;

23 2. Plaintiffs shall have leave during this 10-day period to add Savior Papetti as a
24 lead plaintiff; and

25 3. Defendants' shall have thirty (30) days to file an answer or otherwise respond
26 following the filing of the amended complaint adding Savior Papetti as a lead plaintiff.

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Dated: November 2, 2011

Respectfully submitted,

GROSS LAW

/s/ Stuart G. Gross
STUART G. GROSS

Counsel for Plaintiff and Putative Class

Dated: November 2, 2011

KAMALA D. HARRIS
Attorney General of California
ROBERT W. BYRNE
Supervising Deputy Attorney General

CECILIA L. DENNIS
Deputy Attorney General

Attorneys for Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED,

Dated: November 8, 2011

