

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

Stuart G. Gross (#251019)
(sgross@gross-law.com)
Jared M. Galanis (#23859)
(jgalanis@gross-law.com)
GROSS LAW
The Embarcadero
Pier 9, Suite 100
San Francisco, CA 94111
t (415) 671-4628
f (415) 480-6688

*Counsel for Plaintiffs and
Proposed Class*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

**KEVIN MARILLEY; SALVATORE;
PAPETTI; SAVIOR PAPETTI**, on behalf
of themselves and similarly situated,

Plaintiffs,

v.

CHARLTON H. BONHAM, in his official
capacity,

Defendant.

Case No. 11-2418 (DMR)

**STIPULATION AND [PROPOSED]
ORDER GRANTING PLAINTIFFS
LEAVE TO FILE A FOURTH
AMENDED COMPLAINT**

STIPULATION AND [PROPOSED] ORDER GRANTING PLAINTIFFS LEAVE TO FILE A FOURTH
AMENDED COMPLAINT; Case No. 11-2418

1 WHEREAS, on December 7, 2011, Plaintiffs Kevin Marilley, Salvatore Papetti, and
2 Savior Papetti (collectively, “Plaintiffs”) filed a Third Amended Complaint;

3 WHEREAS, Plaintiffs have propounded requests for production of documents upon
4 Defendant;

5 WHEREAS, based upon the documents that were produced by Defendant in response
6 and reviewed by Plaintiffs, Plaintiffs have determined that there are members of the proposed
7 class who reside outside of the United States;

8 WHEREAS, in light of this determination and the nature of the claims brought by
9 Plaintiffs on behalf of the proposed class, Plaintiffs have determined the class definition,
10 described in Paragraph 18 of the Third Amended Complaint, should be modified to read as
11 follows: “All individuals residing in the United States who, during the period beginning on
12 May 18, 2009 through present (‘Class Period’), purchased or renewed a California commercial
13 fishing license, permit, or registration, and were required to pay a non-resident fee in connection
14 with such purchase or renewal”;

15 WHEREAS, the proposed Fourth Amended Complaint does not otherwise differ from
16 the Third Amended Complaint; and

17 WHEREAS, Defendant is required to respond to the Third Amended Complaint on
18 January 6, 2012;

19 IT IS HEREBY STIPULATED AND AGREED, subject to court approval, by and between the
20 undersigned counsel on behalf of the parties as follows:

21 1. Plaintiffs are granted leave to file a Fourth Amended Complaint, a copy of which
22 is attached hereto as Exhibit A;

23 2. Defendant shall have seven (7) days following entry of this order by the Court to
24 respond to the Fourth Amended Complaint; and

25 3. In the event the Court denies Plaintiffs leave to file a Fourth Amended
26 Complaint, Defendant shall have seven (7) days from the Court’s order denying such request to
27 respond to the Third Amended Complaint.

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 5, 2012

Respectfully submitted,

GROSS LAW

/s/ Stuart G. Gross
STUART G. GROSS

*Counsel for Plaintiffs and
Proposed Class*

Dated: January 5, 2012

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

/s/ Cecilia L. Dennis
CECILIA L. DENNIS
Deputy Attorney General

Attorneys for Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED,

Dated: January 6, 2012



MAGISTRATE JUDGE DONNA RYU

