

United States District Court  
For the Northern District of California

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

E-FILED on 7/17/09

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

ECLECTIC PROPERTIES EAST, LLC, a  
California Limited Liability Company, et al.,  
  
Plaintiffs,  
  
v.  
  
THE MARCUS & MILLICHAP COMPANY,  
a California corporation, et al.,  
  
Defendants.

No. C-09-0511 RMW  
  
ORDER GRANTING IN PART EX PARTE  
REQUEST  
  
[Re Docket No. 115]

On July 16, 2009, plaintiffs submitted an ex parte application seeking clarification of the July 13, 2009 order regarding the briefing on the motion to dismiss by the Morabito Defendants. The discussion with counsel at the July 10, 2009 hearing and the resulting written order was clear: plaintiffs' substantive opposition to the Morabito defendants' motion to dismiss was to be due on July 17, 2009, as the parties had stipulated and the court had previously ordered in early June. The parties were to meet and confer regarding the supplementation of the briefs to address the personal jurisdiction issues raised by the Morabito defendants' motion, while maintaining the September 25, 2009 hearing date.

Nevertheless, plaintiffs appear not to be in a position to file their opposition by July 17, 2009, and the court in its discretion hereby grants them another week in which to file their opposition to the Morabito defendants' motion to dismiss. That opposition shall be filed and served

1 no later than July 24, 2009. Defendants' reply papers shall be filed as presently scheduled, on or  
2 before September 2, 2009. Plaintiffs may supplement their opposition to address the personal  
3 jurisdiction issues upon completion of the jurisdictional discovery, and defendants may file a reply  
4 to that supplement, if it is not feasible to incorporate that supplemental reply into defendants' reply  
5 papers due on September 2, 2009.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

DATED: 7/17/09



\_\_\_\_\_  
RONALD M. WHYTE  
United States District Judge

1 **Notice of this document has been electronically sent to:**

2 **Counsel for Plaintiffs:**

3 Bonny E. Sweeney bonnys@csgrr.com  
4 James L. Davidson jdavidson@csgrr.com  
5 Phong L. Tran ptran@csgrr.com  
6 Stuart Andrew Davidson sdavidson@csgrr.com

6 **Counsel for Defendants The Marcus & Millichap Company, Sovereign Investment Company, Sovereign Scranton LLC, Sovereign CC, LLC, and Sovereign JF, LLC**

7 Daniel E. Jackson djackson@kvn.com  
8 Daniel Edward Purcell dpurcell@kvn.com

9 **Counsel for Defendants Marcus & Millichap Real Estate Investment Services Inc., Marcus & Millichap Real Estate Investment Brokerage Company, Marcus Muirhead, Sean Perkin, Donald Emas, Andrew Leshner, Stewart Weston, Brice Head and Bret King**

12 David Charles Scheper dscheper@obsklaw.com

14 **Counsel for Defendants Paul A. Morabito and Baruk Management, Inc.**

15 Michael John Hassen mjh@jmbm.com  
16 Christopher H. Doyle chd@jmbm.com

16 **Counsel for Defendants Tibarom NY LLC and Tibarom PA LLC**

17 Timothy Alan Horton thorton@mckennalong.com

19 **Counsel for Defendant PGP Valuation, Inc.**

20 Michael Lloyd Smith mls@mmker.com

21 **Counsel for Defendants Glen D. Kunofsky and Daisy Gomez**

22 Joshua A. Gratch jag@gratchlawgroup.com

23 Counsel are responsible for distributing copies of this document to co-counsel that have not  
24 registered for e-filing under the court's CM/ECF program.

28 **Dated:** 7/17/09

TER  
**Chambers of Judge Whyte**