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E-FILED - 8/13/09

7 Attorneys for Defendants
 THE MARCUS & MILLICHAP COMPANY, a California
 8 corporation, MARCUS & MILLICHAP REAL ESTATE
 INVESTMENT BROKERAGE COMPANY, a California
 9 corporation, SOVEREIGN INVESTMENT COMPANY, a
 California corporation, SOVEREIGN SCRANTON LLC, a
 10 Delaware Limited Liability Company, SOVEREIGN CC, LLC, a
 Delaware Limited Liability Company, SOVEREIGN JF, LLC
 11

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION
 15

16 ECLECTIC PROPERTIES EAST, LLC, a
 17 California Limited Liability Company,
 RISOLA FAMILY LP II, a Florida Limited
 18 Partnership, CECA 3000, LP, a Nevada
 Limited Partnership, CHEATHAM
 19 PROPERTIES, LLC, a California Limited
 Liability Company, successor in the interest of
 20 John and Mary Cheatham, VAS
 ENTERPRISES I LLC, a California Limited
 21 Liability Company, AMNON DANUS and
 RIVKA DANUS, FRED ENGELBERG,
 22 LINDA FARRELL, JOSEPH W.
 AMIRKHAS, JOSEPH W. AMIRKHAS, as
 23 Trustee under The Amirkhas Trust, dated
 January 14, 2000, JUSTUS L. AHREND and
 24 SUSAN W. AHREND, Trustees of The Justus
 and Susan Ahrend Trust, dated December 6,
 25 1990,

Case No. C-09-00511 RMW

**STIPULATED MISCELLANEOUS
 ADMINISTRATIVE REQUEST TO
 EXCEED THE PAGE LIMITS ON
 DEFENDANTS' MOTIONS TO DISMISS;
 [] ORDER**

Dept: 6
 Judge: Ronald M. Whyte

Date Comp. Filed: February 4, 2009

26 [Caption continued on following page.]
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1 KEVORK BELIKIAN and SYLVIA S.
2 BELIKIAN, Trustees under The Kevork
3 Belikian and Sylvia S. Belikian Living
4 Trust, dated July 10, 2000, MANI
5 ETEMAD and SUSAN KHOSHNOOD,
6 Trustees of the Mani Etemad and Susan
7 Khoshnood 2001 Revocable Trust,
8 EUGENIA GAGNON, Trustee of the
9 Genie Debs Revocable Trust, dated
10 October 10, 1995, THOMAS H. LINDEN
11 and SYLVIA E. LINDEN, Trustees of The
12 Thomas H. Linden and Sylvia E. Linden
13 Family Trust, dated September 19, 2000,
14 JOHANNES MODERBACHER and
15 EILEEN STARR MODERBACHER, as
16 Trustees of The Moderbacher Family
17 Trust, Established by Declaration of Trust,
18 dated February 1, 2006, RICHARD W.
19 SIEBERT and DEBRA M. SIEBERT,
20 Trustees of The Siebert Family Trust
21 U/D/T, dated January 13, 2003, ALLEN
22 ERNEST HOM, Trustee for The Allen
23 Ernest Hom Trust, dated August 19, 1992,
24 and LINDA J. CALL, Trustee for The
25 Linda Jeanne Call Family Trust, dated
26 September 12, 2002,

Plaintiffs,

v.

17 THE MARCUS & MILLICHAP
18 COMPANY, a California corporation,
19 MARCUS & MILLICHAP REAL
20 ESTATE INVESTMENT SERVICES
21 INC., a California corporation, MARCUS
22 & MILLICHAP REAL ESTATE
23 INVESTMENT BROKERAGE
24 COMPANY, a California corporation,
25 SOVEREIGN INVESTMENT
26 COMPANY, a California corporation,
27 SOVEREIGN SCRANTON LLC, a
28 Delaware Limited Liability Company,
SOVEREIGN CC, LLC, a Delaware
Limited Liability Company, SOVEREIGN
JF, LLC, a California Limited Liability
Company,

[Caption continued on following page.]

1 PAUL A. MORABITO, individually and as
2 the alter ego of Eureka Petroleum Inc., a New
3 York corporation, Tibarom Inc., a Delaware
4 corporation, Tibarom NY LLC, a Nevada
5 Limited Liability Company, Tibarom PA LLC,
6 a Nevada Limited Liability Company,
7 Scranton Lube, LLC, a Delaware Limited
8 Liability Company, NY Seven Lube, LLC, a
9 Delaware Limited Liability, New York Lube
10 Number 3, LLC, a Delaware Limited Liability
11 Company, Rochester Lube, LLC, a Delaware
12 Limited Liability Company, Baruk
13 Management, Inc., a California corporation,
14 EUREKA PETROLEUM INC., a New York
15 corporation, TIBAROM INC., a Delaware
16 corporation, TIBAROM NY LLC, a Nevada
17 Limited Liability Company, TIBAROM PA
18 LLC, a Nevada Limited Liability Company,
19 SCRANTON LUBE, LLC, a Delaware
20 Limited Liability Company, NY SEVEN
21 LUBE, LLC, a Delaware Limited Liability,
22 NEW YORK LUBE NUMBER 3, LLC, a
23 Delaware Limited Liability Company,
24 ROCHESTER LUBE, LLC, a Delaware
25 Limited Liability Company, BARUK
26 MANAGEMENT, INC., a California
27 corporation, JACK WAELTI, individually and
28 as the alter-ego of The QSR Group One, LLC,
a Florida Limited Liability Company, The
QSR Group, LLC, a Florida Limited Liability
Company, and The QSR Group II, LLC, a
Florida Limited Liability Company a/k/a The
QSR Group Two, LLC, THE QSR GROUP
ONE, LLC, a Florida Limited Liability
Company, THE QSR GROUP, LLC, a Florida
Limited Liability Company, and THE QSR
GROUP II, LLC, a Florida Limited Liability
Company a/k/a THE QSR GROUP TWO,
LLC, PGP VALUATION, INC., an Oregon
corporation, GLEN D. KUNOFSKY,
MARCUS MUIRHEAD, ALEXANDER
MICKLE, SEAN PERKIN, DONALD EMAS,
ANDREW LESHER, STEWART WESTON,
BRICE HEAD, DAIZY GOMEZ, and BRET
KING,

Defendants.

STIPULATION

WHEREAS, on February 9, 2009, the plaintiffs filed the Complaint in this action; and

WHEREAS, plaintiffs' Complaint is 174 pages long, contains 624 paragraphs, and names 31 separate defendants; and

WHEREAS, the parties have previously agreed that defendants have until May 11, 2009 to file responses to the Complaint; and

WHEREAS, defendants intend to file motions to dismiss, but wish to consolidate the 31 defendants' arguments for dismissal into a reasonable number of motions, thereby reducing the burden on the Court and all parties; and

WHEREAS, in order to achieve this consolidation and reduce the number of documents filed with the Court, defendants have asked plaintiffs to agree to reasonable extensions of the page limits in this Court's Civil Local Rules; and

WHEREAS, plaintiffs have agree to defendants' requested extensions;

THEREFORE, the parties to this suit hereby stipulate and agree as follows:

1. Defendants The Marcus & Millichap Company, Sovereign Investment Company, Sovereign Scranton LLC, Sovereign CC LLC, and Sovereign JF LLC (collectively the "TMMC and Sovereign Defendants") will file, on May 11, 2009, one consolidated motion to dismiss of no more than 30 pages;

2. Defendants Marcus & Millichap Real Estate Investment Services, Marcus & Millichap Real Estate Investment Brokerage Company, Marcus Muirhead, Sean Perkin, Donald Emas, Andrew Leshner, Stewart Weston, Brice Head, and Bret King (collectively the "REIS Defendants") will file, on May 11, 2009, (a) one consolidated motion to dismiss of no more than 30 pages; and (b) one consolidated joinder in the TMMC and Sovereign Defendants' motion to dismiss;

3. Defendant PGP Valuation, Inc. will file, on May 11, 2009, one motion to dismiss of no more than 30 pages; and

4. Defendants Paul A. Morabito, Eureka Petroleum Inc., Tibarom, Inc., Tibarom NY, LLC, Tibarom PA, LLC, Scranton Lube, LLC, NY Seven Lube LLC, New York Lube

1 Number 3, LLC, Rochester Lube, LLC and Baruk Management, Inc. (collectively the “Morabito
2 Defendants”) will file, on May 11, 2009, one consolidated motion to dismiss of no more than 40
3 pages.

4 **IT IS SO STIPULATED.**

5 Dated: May 7, 2009

KEKER & VAN NEST, LLP

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7
8 By: Dan Jackson
9 DAN JACKSON
10 Attorneys for Defendants
11 THE MARCUS & MILLICHAP
12 COMPANY, SOVEREIGN
13 INVESTMENT COMPANY,
14 SOVEREIGN SCRANTON LLC,
15 SOVEREIGN CC, LLC, and SOVEREIGN
16 JF, LLC

17 Dated: May 7, 2009

OVERLAND BORENSTEIN SCHEPER
& KIM LLP

18
19 By: Concurrence obtained General Order 45B.X
20 DAVID C. SCHEPER
21 Attorneys for Defendants
22 MARCUS & MILLICHAP REAL
23 ESTATE INVESTMENT SERVICES
24 INC., MARCUS & MILLICHAP REAL
25 ESTATE INVESTMENT BROKERAGE
26 COMPANY, MARCUS MUIRHEAD,
27 SEAN PERKIN, DONALD EMAS,
28 ANDREW LESHER, STEWART
WESTON, BRICE HEAD, and BRET
KING

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Dated: May 7, 2009

JEFFER MANGELS BUTLER &
MARMARO LLP

By: Concurrence obtained General Order 45B.X

PAUL L. WARNER
Attorneys for Defendants
PAUL A. MORABITO, EUREKA
PETROLEUM INC., TIBAROM, INC.,
TIBAROM NY, LLC, TIBAROM PA,
LLC, SCRANTON LUBE, LLC, NY
SEVEN LUBE LLC, NEW YORK LUBE
NUMBER 3, LLC, ROCHESTER LUBE,
LLC and BARUK MANAGEMENT, INC.

Dated: May 7, 2009

MANNING & MARDER, KASS,
ELLROD, RAMIREZ LLP

By: Concurrence obtained General Order 45B.X

MICHAEL L. SMITH
Attorneys for Defendant
PGP VALUATION, INC.

Dated: May 7, 2009

COUGHLIN STOIA GELLER RUDMAN
& ROBBINS LLP

By: Concurrence obtained General Order 45B.X

BONNY E. SWEENEY
Attorneys for Plaintiffs (listed on Caption
pages)

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ORDER

Pursuant to the stipulation of the parties, it is hereby ordered that:

1. The TMMC and Sovereign Defendants are given leave to file, on May 11, 2009, one consolidated motion to dismiss of no more than 30 pages;

2. The REIS Defendants are given leave to file, on May 11, 2009, one consolidated motion to dismiss of no more than 30 pages and one consolidated joinder in the TMMC and Sovereign Defendants' motion to dismiss;

3. Defendant PGP Valuation, Inc. is given leave to file, on May 11, 2009, one motion to dismiss of no more than 30 pages; and

4. The Morabito Defendants are given leave to file, on May 11, 2009, one consolidated motion to dismiss of no more than 40 pages.

IT IS SO ORDERED.

Dated: 8/12/09


HONORABLE RONALD M. WHITE
UNITED STATES DISTRICT JUDGE