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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

E-Filed 9/1/09

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' REPLIES IN SUPPORT  
 OF MOTIONS TO DISMISS;  
 [PROPOSED] ORDER**

Dept: 6  
 Judge: Ronald M. Whyte

Date Comp. Filed: February 4, 2009

[Caption continued on following page.]

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KEVORK BELIKIAN and SYLVIA S. BELIKIAN, Trustees under The Kevork Belikian and Sylvia S. Belikian Living Trust, dated July 10, 2000, MANI ETEMAD and SUSAN KHOSHNOOD, Trustees of the Mani Etemad and Susan Khoshnood 2001 Revocable Trust, EUGENIA GAGNON, Trustee of the Genie Debs Revocable Trust, dated October 10, 1995, THOMAS H. LINDEN and SYLVIA E. LINDEN, Trustees of The Thomas H. Linden and Sylvia E. Linden Family Trust, dated September 19, 2000, JOHANNES MODERBACHER and EILEEN STARR MODERBACHER, as Trustees of The Moderbacher Family Trust, Established by Declaration of Trust, dated February 1, 2006, RICHARD W. SIEBERT and DEBRA M. SIEBERT, Trustees of The Siebert Family Trust U/D/T, dated January 13, 2003, ALLEN ERNEST HOM, Trustee for The Allen Ernest Hom Trust, dated August 19, 1992, and LINDA J. CALL, Trustee for The Linda Jeanne Call Family Trust, dated September 12, 2002,

Plaintiffs,

v.

THE MARCUS & MILLICHAP COMPANY, a California corporation, MARCUS & MILLICHAP REAL ESTATE INVESTMENT SERVICES INC., a California corporation, MARCUS & MILLICHAP REAL ESTATE INVESTMENT BROKERAGE COMPANY, a California corporation, SOVEREIGN INVESTMENT COMPANY, a California corporation, SOVEREIGN SCRANTON LLC, a Delaware Limited Liability Company, SOVEREIGN CC, LLC, a Delaware Limited Liability Company, SOVEREIGN JF, LLC, a California Limited Liability Company,

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[Caption continued on following page.]

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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**

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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, defendants elected to file motions to dismiss, but wished to consolidate the various 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 asked plaintiffs to agree to reasonable extensions of the page limits in this Court's Civil Local Rules, and plaintiffs agree to defendants' requested extensions; and

WHEREAS, defendants reciprocally agreed to grant plaintiffs a page extension on plaintiffs' consolidated opposition brief; and

WHEREAS, pursuant to stipulation and proposed order, this Court approved the parties' agreed page extensions; and

WHEREAS, pursuant to those stipulated page extensions, defendants filed their motions to dismiss on May 11, 2009, and plaintiffs filed their consolidated opposition brief on July 17, 2009; and

WHEREAS, defendants' reply briefs in support of their motions to dismiss are due to be filed no later than September 2, 2009; and

WHEREAS, defendants again have asked plaintiffs to agree to reasonable extensions of the page limits on their replies, and plaintiffs have again agreed to those 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 September 2, 2009, one consolidated reply memorandum of no more than 25 pages;

///

1           2.       Defendants Marcus & Millichap Real Estate Investment Services, Marcus &  
2 Millichap Real Estate Investment Brokerage Company, Marcus Muirhead, Sean Perkin, Donald  
3 Emas, Andrew Leshner, Stewart Weston, Brice Head, and Bret King (collectively the “REIS  
4 Defendants”) will file, on September 2, 2009, (a) one consolidated reply memorandum of no  
5 more than 20 pages; and (b) one consolidated joinder in the TMMC and Sovereign Defendants’  
6 reply memorandum;

7           3.       Defendant PGP Valuation, Inc. will file, on September 2, 2009, one reply  
8 memorandum of no more than 20 pages; and

9           4.       Defendants Paul A. Morabito and Baruk Management, Inc. (collectively the  
10 “Morabito Defendants”) will file, on September 2, 2009, one consolidated reply memorandum of  
11 no more than 25 pages.

12           IT IS SO STIPULATED.

13 Dated: August 31, 2009

KEKER & VAN NEST, LLP

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15  
16           By: Dan Jackson  
17           DAN JACKSON  
18           Attorneys for Defendants  
19           THE MARCUS & MILLICHAP COMPANY,  
20           SOVEREIGN INVESTMENT COMPANY,  
21           SOVEREIGN SCRANTON LLC,  
22           SOVEREIGN CC, LLC, and SOVEREIGN JF,  
23           LLC

24 Dated: August 31, 2009

OVERLAND BORENSTEIN SCHEPER &  
KIM LLP

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

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Dated: August 31, 2009

JEFFER MANGELS BUTLER &  
MARMARO LLP

By: Concurrence obtained General Order 45B.X  
PAUL L. WARNER  
Attorneys for Defendants  
PAUL A. MORABITO and BARUK  
MANAGEMENT, INC.

Dated: August 31, 2009

MANNING & MARDER, KASS, ELLROD,  
RAMIREZ LLP

By: Concurrence obtained General Order 45B.X  
MICHAEL L. SMITH  
Attorneys for Defendant  
PGP VALUATION, INC.

Dated: August 31, 2009

COUGHLIN STOIA GELLER RUDMAN &  
ROBBINS LLP

By: Concurrence obtained General Order 45B.X  
DAVID J. GEORGE  
Attorneys for Plaintiffs (listed on Caption  
pages)

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~~PROPOSED~~ 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 September 2, 2009, one consolidated reply memorandum of no more than 25 pages;
2. The REIS Defendants are given leave to file, on September 2, 2009, one consolidated reply memorandum of no more than 20 pages and one consolidated joinder in the TMMC and Sovereign Defendants' reply memorandum;
3. Defendant PGP Valuation, Inc. is given leave to file, on September 2, 2009, one reply memorandum of no more than 20 pages; and
4. The Morabito Defendants are given leave to file, on September 2, 2009, one consolidated reply memorandum of no more than 25 pages.

IT IS SO ORDERED.

Dated: 9/1/09

  
HONORABLE RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE