

1 KEKER & VAN NEST, LLP
 JOHN W. KEKER - #49092
 2 DANIEL PURCELL - #191424
 DAN JACKSON - #216091
 3 710 Sansome Street
 San Francisco, CA 94111-1704
 4 Telephone: (415) 391-5400
 Facsimile: (415) 397-7188
 5 jkeker@kvn.com
dpurcell@kvn.com
 6 djackson@kvn.com

7 Attorneys for Defendants
 THE MARCUS & MILLICHAP COMPANY, SOVEREIGN
 8 INVESTMENT COMPANY, SOVEREIGN SCRANTON LLC,
 SOVEREIGN CC, LLC, and SOVEREIGN JF, LLC

E-FILED - 4/15/10

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN JOSE DIVISION

13 ECLECTIC PROPERTIES EAST, LLC, a
 14 California Limited Liability Company, et al.,
 15 Plaintiffs,
 16 v.
 17 THE MARCUS & MILLICHAP COMPANY,
 18 a California corporation, et al.,
 Defendants.

Case No. C-09-00511 RMW (RS)

**STIPULATED JOINT MISCELLANEOUS
 ADMINISTRATIVE REQUEST TO SET
 BRIEFING SCHEDULE ON MOTIONS
 TO DISMISS AND TO EXCEED THE
 PAGE LIMITS ON BRIEFS;
 [] ORDER**

1 **STIPULATION**

2 WHEREAS, on March 22, 2010, plaintiffs filed their First Amended Complaint; and

3 WHEREAS, plaintiffs' First Amended Complaint is 230 pages and 826 paragraphs long,
4 and contains significant factual and legal complexities; and

5 WHEREAS, defendants anticipate filing motions to dismiss challenging the sufficiency
6 of the First Amended Complaint; and

7 WHEREAS, the parties jointly wish to provide for a modest extension of deadlines that
8 will allow full briefing of all the issues to be decided on any motions to dismiss; and

9 WHEREAS, the parties also wish to stipulate to an extension of page limits on the briefs
10 related to the motions to dismiss to permit full discussion of all relevant issues;

11 THEREFORE, the parties hereby stipulate and jointly request that:

12 1. Any defendant wishing to file a motion to dismiss shall do so no later than April
13 16, 2010. The following defendants or groups of defendants shall be entitled to an extension of
14 the page limits on their motions to dismiss:

- 15 a. Defendants The Marcus & Millichap Company, Sovereign Investment
16 Company, Sovereign Scranton LLC, Sovereign CC LLC, and Sovereign
17 JF LLC (collectively the "TMMC and Sovereign Defendants") will file
18 one consolidated motion to dismiss of no more than 30 pages; and
- 19 b. Defendants Marcus & Millichap Real Estate Investment Services, Marcus
20 & Millichap Real Estate Investment Brokerage Company, Marcus
21 Muirhead, Sean Perkin, Donald Emas, Andrew Leshner, Stewart Weston,
22 Brice Head, and Bret King (collectively the "REIS Defendants") will file
23 one or more motions to dismiss of no more than 30 pages in total and one
24 consolidated joinder in the TMMC and Sovereign Defendants' motion to
25 dismiss; and
- 26 c. Defendant PGP Valuation, Inc. ("PGP") will file one motion to dismiss of
27 no more than 30 pages; and

28 ///

1 d. Defendants Paul A. Morabito and Baruk Management, Inc. (collectively
2 the “Morabito Defendants”) will file one consolidated motion to dismiss
3 of no more than 40 pages.

4 2. Plaintiffs shall file one consolidated opposition to defendants’ motions to dismiss
5 no later than May 14, 2010. Plaintiffs’ consolidated opposition shall be no longer than 70 pages.

6 3. Defendants shall file any replies in support of their motions no later than May 28,
7 2010. The following defendants or groups of defendants shall be entitled to an extension of the
8 page limits on their reply briefs:

9 a. The TMMC and Sovereign Defendants will file one consolidated reply
10 memorandum of no more than 25 pages; and

11 b. The REIS Defendants will file one or more reply memoranda of no more
12 than 20 pages in total, and a consolidated joinder in the TMMC and
13 Sovereign Defendants’ reply memorandum; and

14 c. PGP will file one reply memorandum of no more than 20 pages; and

15 d. The Morabito Defendants will file one consolidated reply memorandum of
16 no more than 25 pages.

17 4. The parties respectfully request a hearing date of June 11, 2010. The parties also
18 further request that, if the Court believes it necessary, it also hold the initial Case Management
19 Conference on June 11, 2010.

20 IT IS SO STIPULATED.

21
22 Dated: March 29, 2010

KEKER & VAN NEST, LLP

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By: Daniel Purcell
DANIEL PURCELL
Attorneys for Defendants
THE MARCUS & MILLICHAP COMPANY,
SOVEREIGN INVESTMENT COMPANY,
SOVEREIGN SCRANTON LLC,
SOVEREIGN CC, LLC, and SOVEREIGN JF,
LLC

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Dated: March 29, 2010

OVERLAND BORNSTEIN SCHEPER &
KIM LLP

By: Concurrence obtained General Order 45B.X
DAVID C. SCHEPER
Attorneys for Defendants
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

Dated: March 29, 2010

MCKENNON|SCHINDLER LLP

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

Dated: March 29, 2010

MANNING & MARDER, KASS, ELLROD,
RAMIREZ LLP

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

Dated: March 29, 2010

HOPKINS & CARLEY

By: Concurrence obtained General Order 45B.X
EUGENE ASHLEY
Attorneys for Defendants
GLEN KUNOFSKY and DAIZY GOMEZ

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Dated: March 29, 2010

McKENNA LONG & ALDRIDGE LLP

By: Concurrence obtained General Order 45B.X
TIMOTHY A. HORTON
Attorneys for Defendants
TIBAROM NY LLC and TIBAROM PA LLC

Dated: March 29, 2010

COUGHLIN STOIA GELLER RUDMAN &
ROBBINS LLP

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

[] ORDER

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

1. Any defendant wishing to file a motion to dismiss shall do so no later than April 16, 2010. The following defendants or groups of defendants shall be entitled to an extension of the page limits on their motions to dismiss:

- a. 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 one consolidated motion to dismiss of no more than 30 pages; and
- b. 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 one or more motions to dismiss of no more than 30 pages in total and one consolidated joinder in the TMMC and Sovereign Defendants’ motion to dismiss; and
- c. Defendant PGP Valuation, Inc. (“PGP”) will file one motion to dismiss of no more than 30 pages; and
- d. Defendants Paul A. Morabito and Baruk Management, Inc. (collectively the “Morabito Defendants”) will file one consolidated motion to dismiss of no more than 40 pages.

2. Plaintiffs shall file one consolidated opposition to defendants’ motions to dismiss no later than May 14, 2010. Plaintiffs’ consolidated opposition shall be no longer than 70 pages.

3. Defendants shall file any replies in support of their motions no later than May 28, 2010. The following defendants or groups of defendants shall be entitled to an extension of the page limits on their reply briefs:

- a. The TMMC and Sovereign Defendants will file one consolidated reply memorandum of no more than 25 pages; and

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- b. The REIS Defendants will file one or more reply memoranda of no more than 20 pages in total, and a consolidated joinder in the TMMC and Sovereign Defendants' reply memorandum; and
- c. PGP will file one reply memorandum of no more than 20 pages; and
- d. The Morabito Defendants will file one consolidated reply memorandum of no more than 25 pages.

4. The hearing on defendants' motions to dismiss the First Amended Complaint will occur at 9:00 a.m. on June 11, 2010. If necessary, the initial Case Management Conference in this case will follow the hearing on the motions to dismiss.

IT IS SO ORDERED.

Dated: 4/15/10


HONORABLE RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE