

**FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

LOUIS A. PERRETTA, JR.; FRANK PERRETTA, <i>Plaintiffs-Appellants,</i> v. PROMETHEUS DEVELOPMENT COMPANY, INC.; SANFORD N. DILLER; JOHN J. MURPHY; VICKI R. MULLINS, <i>Defendants-Appellees.</i>
--

No. 06-15526  
D.C. No.  
CV-05-02987-WHA  
Northern District of  
California,  
San Francisco  
ORDER

Filed May 23, 2008

Before: David R. Thompson and Milan D. Smith, Jr.,  
Circuit Judges, and William Q. Hayes,\* District Judge.

---

**ORDER**

The Defendants-Appellees' motion to file a reply is GRANTED.

The Defendants-Appellees' Petition for Panel Rehearing is GRANTED. The opinion dated March 27, 2008, is withdrawn.

The court requests supplemental briefing by the parties regarding the applicability of the ratification provision of Cal. Corp. Code § 16103(b)(3) to the issue of whether the vote in this case was sufficient to ratify the transaction. The simulta-

---

\*The Honorable William Q. Hayes, United States District Judge for the Southern District of California, sitting by designation.

neous briefs may not exceed twenty (20) pages, and shall be due no later than June 13, 2008.



---

PRINTED FOR  
ADMINISTRATIVE OFFICE—U.S. COURTS  
BY THOMSON REUTERS/WEST—SAN FRANCISCO

The summary, which does not constitute a part of the opinion of the court, is copyrighted  
© 2008 Thomson Reuters/West.