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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

OCT 03 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

In re: PEREGRINE SYSTEMS, INC.
SECURITIES LITIGATION,

No. 06-55197

LORAN GROUP,

D.C. No. CV-02-00870-RTB
Southern District of California,
San Diego

Plaintiff - Appellant,

ORDER

v.

PEREGRINE SYSTEMS, INC.; et al.,

Defendants - Appellees.

FILED

OCT 5 2006

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

Before: Peter L. Shaw, Appellate Commissioner

On July 3, 2006, the court granted in part appellant's motion for leave to file an oversize brief, and allowed appellant to file an opening brief not to exceed 25,000 words. The court erroneously thought that there was only one defendant/appellee and therefore sua sponte allowed an answering brief of the same length – 25,000 words – to be filed. In fact, there are a number of appellees, each of whom is entitled to file a separate brief.

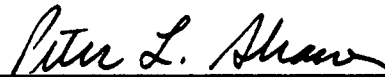
Accordingly, the provision of the July 3, 2006 order regarding the word limitations for the answering brief is vacated. Each appellee would therefore be

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entitled to file a brief not to exceed 14,000 words. All but one appellee did so, and those briefs have all been filed.

Appellees John J. Moores, Christopher Cole, Richard A. Hosley, Charles E. Noell, Norris Van Den Berg, and Rod Dammeyer (the "Outside Directors") submitted a brief of 19,880 words. The submission of the brief is construed in part as a motion for leave to file an oversize brief. So construed, the motion is granted in part. The Outside Directors shall file a replacement brief not to exceed 17,000 words within 28 days after the date of this order. *See* 9th Cir. R. 28-4. The Outside Directors' brief filed on August 25, 2006 is stricken.

Appellant's motion to strike appellees' answering briefs for excessive length is denied as moot. Appellant's motion for an extension of time to file the reply brief is granted. The optional reply brief is due within 14 days after service of the Outside Directors' replacement answering brief.


General Order 6.3(e)

promo commissioner 09.25.06/at