1 2 3	FRANK A. IWAMA, SBN 045377 67 Wessex Way San Carlos, CA 94070 Tel. (650) 591-6200 Fax (650) 508-8689		
4	Attorney for Plaintiffs and Counter-Defendants		
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7	UNITED STATES DI	STRICT COURT	
8	NORTHERN DISTRICT OF CALIFORNIA (San Francisco Division)		
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1	OSCAR BRAUN and ANDREA BRAUN,	Case No. C-05-3777 MJJ	
2	Plaintiffs,		
3	V.		
4	GALE NORTON, in her official capacity as the		
5	SECRETARY OF THE U.S. DEPARTMENT OF THE INTERIOR; JOHN W. KEYS, in his official capacity as the COMMISSIONER OF THE	MEMORANDUM OF POINTS ANI AUTHORITIES IN SUPPORT OF PLAINTIFFS' MOTION FOR	
7	BUREAU OF RECLAMATION; MICHAEL R. FINNEGAN, in his official capacity as the AREA	LEAVE AMEND COMPLAINT TO ADD ADDITIONAL PLAINTIFFS	
8	MANAGER OF THE BUREAU OF RECLAMATION: PEDRO "PETE" LUCERO, in	(Fed. R. Civ. P. 20(a))	
9	his official capacity as the PARK MANAGER OF THE BUREAU OF RECLAMATION, and Does 1		
0	through 10,		
1	Defendants.		
2	UNITED STATES OF AMERICA,))	
3	Defendant/Counter-Complainant		
4	V.)	
5	OSCAR BRAUN and ANDREA BRAUN,)	
6	Plaintiff/Counter-Defendants.)	
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1 STATEMENT OF THE CASE Plaintiffs hereby request an order granting them leave to amend their complaint to add 2 3 additional plaintiffs as identified herein and in the First Amended Complaint, submitted herewith. 4 Plaintiffs filed this action on September 19, 2005. Defendant's Anwser, Counter-Claim, and 5 Motion to Dismiss were filed on November 22, 2005. Defendant's thereafter filed an Amended 6 Notice of Motion to Dismiss on December 1, 2005. 7 Plaintiffs' Complaint alleges, inter alia, that since September 1, 2000, Plaintiffs OSCAR 8 BRAUN and ANDREA BRAUN have been long-term permittees under permits, issued without 9 expiration dates, pursuant to master agreements between Defendants, and County of Napa and concessionaires to use facilities at the Lake Berryessa Recreation Area located on the Federal 10 11 estate at Pleasure Cove Marina. As licensed permittees, plaintiffs, at substantial cost and expense, purchased and moved private mobile homes, boats, docks and other personal property to assigned 12 sites located on the Federal estate at Pleasure Cove Marina. Defendants, among other things, are 13 14 responsible for the management of the Lake Berryessa Recreation Area and concession operations at the seven resorts located on the Federal estate, including Pleasure Cove Marina. 15 16 Defendants are required to comply with the currently effective guiding recreation 17 management plan (Reservoir Area Management Plan or "RAMP") for the Lake Berryessa Recreation Area, adopted pursuant to applicable legal guidelines and requirements. The RAMP 18 19 acknowledges long-term mobile home parks, which were first approved and issued planning and 20 building permits as early as 1957 by the County of Napa, on the Federal estate located at the Lake Berryessa Recreation Area, including private mobile homes at Pleasure Cove Marina. On or about 21 22 March 28, 2005, when announcing the termination of the then interim concessionaire, Defendants for the first time formally informed the public of its intention to require any new concessionaire to 23 24 permanently terminate private long-term permittees' mobile homes and boat docks located on the 25 Federal estate at Pleasure Cove Marina on November 1, 2005. On or about September 7, 2005, Defendants formally advised all permittees with mobile 26 homes and/or personal property located on the Federal estate at Pleasure Cove Marina of a 27 28 requirement to enter into a new site rental agreement with the new interim concessionaire and pay

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1	any outstanding rent by September 19, 2005. The new concessionaire's site rental agreement
2	contains provisions requiring permittees to acknowledge and accept the unlawful termination of
3	private mobile homes and boat docks on November 1, 2005. Defendants' notice included a
4	statement that permittees' refusal or failure to enter into a new site agreement can result in the
5	denial of access to the Federal estate located at Pleasure Cove Marina.
6	Notwithstanding plaintiffs' request that defendants reconsider and rescind it unilateral order
7	to deny access and demand the permanent removal of privately owned mobile homes and boat
8	docks from the Federal estate located at Pleasure Cove Marina, defendants continue to threaten to
9	enforce its order against plaintiffs. Defendants' promulgation and threatened enforcement of the
10	unilateral order is illegal, null and void for the reason that such action violates the currently
11	effective guiding recreation management plan (RAMP) for the Federal estate located at the Lake
12	Berryessa Recreation Area, including Pleasure Cove Marina.
13	The long term permittes affected by this unilateral order include Plaintiffs OSCAR
14	BRAUN and ANDREA BRAUN, as well as the new plaintiffs sought to be added by this motion.
15	These new plaintiffs sought to be added here are:
16	Chris and Lisa Murad
17	Richard and Valerie Amador Todd and Wendy Anken
18	Gus and Gladys Greco
19	David and Audrey Wheeler Scott and Kathy Jenkins
20	Mark Holdener Eric McDonald
	Dan and Ann Reed
21	Kevin Burnett
22	Bruce and Maryann MacDougall Tim and Suzanne Brown
23	Roger and Melissa Meagor
24	Teresa Marshall Don and Rhonda Dallimonti
25	Scott Shelley
	Karl Peterson Robert Petty
26	Thaddeus Krzywicki
27	Stan Krzywicki
28	Ernest Arndt and Valerie Nassis Richard "Chick" and Adrienne Lanza
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Plaintiffs' MPA In Support Of Their Motion For Leave To Amend Complaint To Add Additional Plaintiffs

1	Carolyn and Norman Fernando Revocable Trust [Joe Fernando]	
2	Jenny Skrel Steve and Debbie Reynolds	
3	Jim and Ione Sanders William Luippold	
4	Robert and Phyllis Pinkston	
5	Thomas and Laurie Schefer Kurt and Carol Krauthamer	
6	Alan and Carole Bottarini Joe Valenzuela	
7		
8	Each of these individuals is a long-term permittees under permits, issued without expiration	
9	dates, pursuant to master agreements between Defendants, and County of Napa and	
10	concessionaires to use facilities at the Lake Berryessa Recreation Area located on the Federal	
11	estate at Pleasure Cove Marina with mobile homes and/or personal property located at Pleasure	
12	Cove Marina. The claims and remedies sought by each of these individuals is common the the	
13	claims of and relief sought by Plaintiffs OSCAR BRAUN and ANDREA BRAUN, and arise from	
14	the same transactions and occurances alleged in Plaintiffs' original complaint. Plaintiffs Complaint	
15	seeks declaratory and injunctive relief that, if granted, will apply equally to all persons seeking to	
16	join as plaintiffs, each of whom is currently subject to the same threat of irreparable harm if relief	ĺ
17	is not granted.	
18	<u>ARGUMENT</u>	
19	Rule 20 of the Federal Rules of Civil Procedure permits that	
20	[a]ll persons may join in one action as plaintiffs if they assert any right to relief jointly, severally or in the alternative in respect of or	
21	arising our of the same transaction, occurrences, or series of transactions or occurrences, and if any question of law or fact	
22	common to all these person will arise in this action.	
23	The purpose of the rule permitting joinder is to promote trial convenience and to expedite final	
24	determination of disputes thereby preventing multiple lawsuits. <i>Mosley v. General Motors Corp.</i> ,	
25	497 F. 2d 1330, 1332 (C.A. 8, 1966). As the Supreme Court has stated,	
26	Under the Rules, the impulse is toward entertaining the broadest	
27	possible scope of action consistent with fairness to the parties; joinder of claims, parties and remedies is strongly encouraged.	
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	- 4 -	
	Plaintiffs' MPA In Support Of Their Motion For Leave To Amend Complaint To Add Additional Plaintiffs	

1	United Mine Workers of America v. Gibbs, 383 U.S. 715, 724 (1966).		
2	These principles of judicial economy and fairness should guide the Court here in granting		
3	Plaintiffs' request for leave to add these additional plaintiffs. Defendants will not be prejudiced as		
4	a result of this joinder, as the relief sought applies equally to all proposed plaintiffs.		
5	CONCLUSION		
6	For all of the forgoing reasons, Plaintiffs pray that the Court grant them leave to amend		
7	their Complaint, and that the First Amended Complaint submitted herewith be filed as the new		
8	operative complaint in this action.		
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10	Dated this 9th day of December, 2005.		
11	Respectfully submitted,		
12	Respectivity submitted,		
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14	By: /s/ FRANK A. IWAMA		
15	Attorney for Plaintiffs/Counter-Defendants		
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	- 5 - Plaintiffs' MPA In Support Of Their Motion For Leave To Amend Complaint To Add Additional Plaintiffs		