



1 STATEMENT OF THE CASE

2 Plaintiffs hereby request an order granting them leave to amend their complaint to add  
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 Answer, 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  
10 concessionaires to use facilities at the Lake Berryessa Recreation Area located on the Federal  
11 estate at Pleasure Cove Marina. As licensed permittees, plaintiffs, at substantial cost and expense,  
12 purchased and moved private mobile homes, boats, docks and other personal property to assigned  
13 sites located on the Federal estate at Pleasure Cove Marina. Defendants, among other things, are  
14 responsible for the management of the Lake Berryessa Recreation Area and concession operations  
15 at the seven resorts located on the Federal estate, including Pleasure Cove Marina.

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  
18 Recreation Area, adopted pursuant to applicable legal guidelines and requirements. The RAMP  
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  
21 Berryessa Recreation Area, including private mobile homes at Pleasure Cove Marina. On or about  
22 March 28, 2005, when announcing the termination of the then interim concessionaire, Defendants  
23 for the first time formally informed the public of its intention to require any new concessionaire to  
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.

26 On or about September 7, 2005, Defendants formally advised all permittees with mobile  
27 homes and/or personal property located on the Federal estate at Pleasure Cove Marina of a  
28 requirement to enter into a new site rental agreement with the new interim concessionaire and pay

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 its 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 permittees 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  
18 Todd and Wendy Anken  
19 Gus and Gladys Greco  
20 David and Audrey Wheeler  
21 Scott and Kathy Jenkins  
22 Mark Holdener  
23 Eric McDonald  
24 Dan and Ann Reed  
25 Kevin Burnett  
26 Bruce and Maryann MacDougall  
27 Tim and Suzanne Brown  
28 Roger and Melissa Meagor  
Teresa Marshall  
Don and Rhonda Dallimonti  
Scott Shelley  
Karl Peterson  
Robert Petty  
Thaddeus Krzywicki  
Stan Krzywicki  
Ernest Arndt and Valerie Nassis  
Richard "Chick" and Adrienne Lanza

1 Carolyn and Norman Fernando Revocable Trust [Joe Fernando]  
2 Jenny Skrel  
3 Steve and Debbie Reynolds  
4 Jim and Ione Sanders  
5 William Luippold  
6 Robert and Phyllis Pinkston  
7 Thomas and Laurie Schefer  
8 Kurt and Carol Krauthamer  
9 Alan and Carole Bottarini  
10 Joe Valenzuela

11 Each of these individuals is a long-term permittees under permits, issued without expiration  
12 dates, pursuant to master agreements between Defendants, and County of Napa and  
13 concessionaires to use facilities at the Lake Berryessa Recreation Area located on the Federal  
14 estate at Pleasure Cove Marina with mobile homes and/or personal property located at Pleasure  
15 Cove Marina. The claims and remedies sought by each of these individuals is common the the  
16 claims of and relief sought by Plaintiffs OSCAR BRAUN and ANDREA BRAUN, and arise from  
17 the same transactions and occurances alleged in Plaintiffs' original complaint. Plaintiffs Complaint  
18 seeks declaratory and injunctive relief that, if granted, will apply equally to all persons seeking to  
19 join as plaintiffs, each of whom is currently subject to the same threat of irreparable harm if relief  
20 is not granted.

### 21 ARGUMENT

22 Rule 20 of the Federal Rules of Civil Procedure permits that

23 [a]ll persons may join in one action as plaintiffs if they assert any  
24 right to relief jointly, severally or in the alternative in respect of or  
25 arising our of the same transaction, occurrences, or series of  
26 transactions or occurrences, and if any question of law or fact  
27 common to all these person will arise in this action.

28 The purpose of the rule permitting joinder is to promote trial convenience and to expedite final  
determination of disputes thereby preventing multiple lawsuits. *Mosley v. General Motors Corp.*,  
497 F. 2d 1330, 1332 (C.A. 8, 1966). As the Supreme Court has stated,

Under the Rules, the impulse is toward entertaining the broadest  
possible scope of action consistent with fairness to the parties;  
joinder of claims, parties and remedies is strongly encouraged.

