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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

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In re
HOWARD SAMUELS,
Debtor.

ALEXANDER D. SHOHET and
BERNADINE F. FRIED,
Plaintiffs,

v.

HOWARD SAMUELS,
Defendant.

U.S.D.C. Case No. CV 14-2205-GW
Bankruptcy Court Case No. 2:12-bk-
12287-ER

Adv. Proc. No. 2:12-ap-01834-ER

ORDER ON APPELLANT HOWARD
SAMUELS' APPEAL OF
BANKRUPTCY COURT'S RULING
ON MOTION TO DISMISS
ADVERSARY PROCEEDING

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ORDER


HOWARD SAMUELS Appeal of Bankruptcy Court’s Ruling on Motion to Dismiss Adversary Proceeding came on for hearing before Judge George H. Wu of the United States District Court, Central District of California on July 10, 2014.

The Court adopted the tentative ruling as its final ruling.

IT IS HEREBY ORDERED that:

1. The Bankruptcy Court’s ruling that collateral estoppel bars Appellant from raising the issue of Appellees’ standing to pursue their claims is reversed and the issue is remanded for the bankruptcy court to determine on the merits whether Appellees in fact have standing to pursue their claims against Appellant;
2. The bankruptcy court’s determination that judicial estoppel does not bar Appellees’ damages claims is affirmed; and
3. The Court’s tentative ruling, which became the Order of the Court, is attached to Docket Entry No. 17.

Dated: July 30, 2014

By: 
Honorable George H. Wu
Judge of the United States District
Court, Central District of California