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Defendants FOX HOLLOW OF TURLOCK  
OWNERS ASSOCIATION and CALIFORNIA  
10 EQUITY MANAGEMENT GROUP, INC. and  
Defendant and Cross-Defendant ANDREW  
11 KATAKIS

12 UNITED STATES DISTRICT COURT  
13 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION  
14

15 FOX HOLLOW OF TURLOCK OWNERS’  
ASSOCIATION, a California Nonprofit  
16 Mutual Benefit Corporation; et al.,  
17 Plaintiffs,  
18 v.  
19 RICHARD SINCLAIR, an individual; et al.,  
20 Defendants.

Case No. 1:03-CV-05439-AWI-SAB  
**STIPULATION RE: (1) PENDING  
MOTION FOR ORDER ALTERING OR  
AMENDING ORDER DISMISSING  
CLAIMS AGAINST MAUCTRST, LLC  
AND APPLICATION FOR  
RECONSIDERATION [DOCKET #S 897,  
900]; AND (2) ENTRY OF DEFAULT  
AGAINST MAUCTRST, LLC**

21 AND CONSOLIDATED ACTIONS  
22

23 **STIPULATION**

24 WHEREAS Plaintiffs Fox Hollow of Turlock Owners Association and California Equity  
25 Management Group, Inc. (“Plaintiffs”) filed their Consolidated Amended and Supplemental  
26 Complaint for Declaratory and Injunctive Relief and for Damages herein on July 21, 2010 against  
27 Gregory Mauchley (“Mr. Mauchley”), Mautrst, LLC (“Mautrst”) and others (Docket # 410) (the  
28 “Consolidated Amended Complaint”);

1           WHEREAS Mr. Mauchley and others filed their Answer to the Consolidated Amended  
2 Complaint and a Cross-Complaint against Plaintiffs and Andrew Katakis (collectively, the  
3 “CEMG/Fox Hollow Parties”) on August 10, 2010 (Docket #s 423 & 425);

4           WHEREAS Mautrst and others filed an Answer to the Consolidated Amended Complaint on  
5 January 18, 2011 (Docket # 467);

6           WHEREAS Mautrst and others had previously filed a First Amended Complaint in one of the  
7 actions consolidated herein against the CEMG/Fox Hollow Parties on December 22, 2004 (the  
8 “December 22, 2004 Complaint”) (Docket # 80) and the CEMG/Fox Hollow Parties had filed an  
9 answer thereto on March 9, 2005 (Docket # 84);

10           WHEREAS the CEMG/Fox Hollow Parties filed a motion herein on November 15, 2012, for  
11 Judgment on the Pleadings as to: (1) claims asserted by Mautrst, LLC in its December 22, 2004 First  
12 Amended Complaint; and (2) against Mautrst, LLC on Plaintiffs’ Consolidated Amended Complaint  
13 in which the CEMG/Fox Hollow Parties moved “for an order granting judgment on the pleadings as to  
14 (1) claims asserted by Mautrst, LLC in its December 22, 2004, First Amended Complaint; and (2) an  
15 entry of default against Mautrst, LLC on Fox Hollow HOA’s and CEMG’s Consolidated Amended  
16 Supplemental Complaint for Declaratory and Injunctive Relief and Damages (Docket # 410)” (Docket  
17 # 869, 2:4-8);

18           WHEREAS Mr. Mauchley and Mautrst, LLC filed their opposition to said motion on  
19 December 21, 2012 (Docket # 878) and the CEMG/Fox Hollow Parties filed their reply in support of  
20 such motion on December 28, 2012 (Docket # 880);

21           WHEREAS the Court, in its Order re Motion for Judgment on the Pleadings entered herein on  
22 April 15, 2013, (Docket # 892) granted the motion in part and denied it in part, directing: “all claims  
23 by and against Mautrst, LLC are dismissed. Mautrst, LLC itself is dismissed from the case.”  
24 (Docket # 892, 7:8-10);

25           WHEREAS the CEMG/Fox Hollow Parties filed a Motion for an Order Altering or Amending  
26 Order Dismissing Claim Asserted against Mautrst, LLC (Docket # 892) and Vacating Judgment  
27 Entered Thereon (Docket # 893) on May 9, 2013 (Docket # 897) and an Application for  
28 Reconsideration Pursuant to L.R. 230(j) in Support of Motion by the CEMG/Fox Hollow Parties for

1 an Order Altering or Amended Order Dismissing Claims Asserted against Mautrst LLC (Docket #  
2 892), and Vacating Judgment Entered Thereon (Docket # 900) (collectively the “Motion To Set Aside  
3 And For Reconsideration”);

4 WHEREAS Mr. Mauchley and Mautrst, LLC filed their opposition to the Motion To Set  
5 Aside And For Reconsideration on May 31, 2013 (Docket # 914) and the CEMG/Fox Hollow Parties  
6 filed their reply in support of such motion on June 10, 2013 (Docket # 917);

7 WHEREAS the Court, by Order entered on June 14, 2013, vacated the hearing on such motion  
8 and requested additional briefing (Docket # 920);

9 WHEREAS the CEMG/Fox Hollow Parties provided additional briefing thereon on July 10,  
10 2013 (Docket # 940) and Mr. Mauchley and Mautrst, LLC provided additional briefing thereon on  
11 July 31, 2013 (Docket # 960);

12 WHEREAS Mr. Mauchley, on October 4, 2013, filed a Petition under Chapter 11 of the  
13 Bankruptcy Code in the United States Bankruptcy Court, District of Utah, Case No. 13-31334 (the  
14 “Mauchley bankruptcy”) [Docket # 981];

15 WHEREAS the CEMG/Fox Hollow Parties, Mr. Mauchley, Mautrst, LLC and Mrs.  
16 Mauchley, have reached a global settlement involving the within action, as well as a State Court  
17 judgment and a request for an award of attorneys’ fees on appeal, claims of non-dischargability in the  
18 Mauchley bankruptcy, and additional claims;

19 WHEREAS, as part of that settlement, the Parties have stipulated and agreed that the Court  
20 grant the Motion To Set Aside And For Reconsideration and that a default against Mautrst, LLC on  
21 the Consolidate Amended Complaint be entered herein:

22 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between  
23 Plaintiffs and Cross-Defendants Fox Hollow of Turlock Owners Association and California Equity  
24 Management Group, and Defendant and Cross-Defendant Andrew Katakis (collectively the  
25 “CEMG/Fox Hollow Parties”) on the one hand, and Gregory Mauchley, Diane Mauchley, and  
26 Mautrst, LLC (collectively the “Mauchley Parties”) on the other hand that:

27 1. Mr. Mauchley and Mautrst, LLC hereby withdraw their opposition to the Motion To  
28 Set Aside And For Reconsideration (Docket #s 914 & 960);

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STIPULATION RE: (1) PENDING MOTION FOR ORDER ALTERING OR AMENDING ORDER DISMISSING  
CLAIMS AGAINST MAUCTRST, LLC AND APPLICATION FOR RECONSIDERATION [DOCKET #S 897,  
900]; AND (2) ENTRY OF DEFAULT AGAINST MAUCTRST, LLC

1           2.       Mr. Mauchley and Mautrst, LLC hereby request the court to grant the Motion To Set  
2       Aside And For Reconsideration and vacate the judgment of dismissal in favor of Mautrst LLC  
3       (Docket # 893) while maintaining the order of the court dismissing the December 22, 2004 Complaint  
4       as the Mautrst LLC; and

5           3.       Mr. Mauchley and Mautrst, LLC hereby request the Court strike the answer of  
6       Mautrst LLC (and only Mautrst LLC) to the Consolidated Amended Complaint (Docket # 467) and  
7       thereon enter the default of Mautrst LLC on the Consolidated Amended Complaint.

8       .

9       Dated: March \_\_\_\_, 2014

McCORMICK, BARSTOW, SHEPPARD,  
WAYTE & CARRUTH LLP

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By: \_\_\_\_\_

D. Greg Durbin  
John M. Dunn  
William H. Littlewood  
Daniel S. Cho

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Attorneys for Plaintiffs, Defendants and Cross-  
Defendants FOX HOLLOW OF TURLOCK  
OWNERS ASSOCIATION and CALIFORNIA  
EQUITY MANAGEMENT GROUP, INC. and  
Defendant and Cross-Defendant ANDREW  
KATAKIS

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Dated: March \_\_\_\_, 2014

PERKINS, MANN & EVERETT

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21

By: \_\_\_\_\_

Curtis D. Rindlesbacher  
Craig A. Tristao  
Attorneys for Defendants Gregory Mauchley and  
Mautrst, LLC

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1 WE HEREBY AGREE TO THIS STIPULATION

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3 Dated: January 24, 2014

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*/s/ Gregory Mauchley*

\_\_\_\_\_  
Gregory Mauchley, individually  
and on behalf of Mautrst LLC

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8 Dated: January 24, 2014

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10

*/s/ Diana Mauchley*

\_\_\_\_\_  
Diana Mauchley, individually  
and on behalf of Mautrst LLC

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**ORDER**

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15 THE MAUCHLEY PARTEIS AND THE CEMG/FOX HOLLOW PARTEIS HAVING SO  
16 STIPULATED AND AGREED, and good cause appearing, is hereby ordered that:

17 1. The opposition of Mr. Mauchley and Mautrst, LLC to the Motion To Set Aside And  
18 For Reconsideration (Docket #s 914 & 960) is hereby withdrawn;

19 2. The Motion To Set Aside And For Reconsideration is hereby granted and the  
20 judgment of dismissal in favor of Mautrst LLC is hereby vacated (Docket # 893) while maintaining  
21 the order of the court dismissing the December 22, 2004 Complaint as the Mautrst LLC; and

22 3. The answer of Mautrst LLC (and only Mautrst LLC) to the Consolidated Amended  
23 Complaint (Docket # 467) is hereby struck and the default of Mautrst LLC on the Consolidated  
24 Amended Complaint (Docket # 410) is hereby entered.

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26 IT IS SO ORDERED.

27 Dated: March 17, 2014

  
\_\_\_\_\_  
SENIOR DISTRICT JUDGE

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