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(SPACE BELOW FOR FILING STAMP ONLY)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FOX HOLLOW OF TURLOCK
OWNERS' ASSOCIATION, a California
Nonprofit Mutual Benefit Corporation,

Plaintiff,

v.

RICHARD SINCLAIR, an individual; et
al.,

Defendants.

Case No. CIV-F-03-5439 OWW DLB

(Consolidated with 1:03-CV-5774 OWW SMS
and Stanislaus County Superior Court Case No.
322675)

**ORDERS RE: HEARING ON ORDER TO
SHOW CAUSE AND MOTION TO
WITHDRAW AS ATTORNEY OF
RECORD**

The following matters came on for hearing before the Court, the Honorable Oliver W. Wanger presiding, on March 1, 2010: Motion for Leave to Withdraw as Counsel by Daniel S. Truax, Lisa Blanco Jimenez, and Neumiller & Beardslee (collectively "Neumiller"), Docket # 333 ("Motion to Withdraw"); Order to Show Cause issued by the Court on February 8, 2010 ("OTC"), Docket # 362; and Plaintiffs and Defendants' Motion for Leave to File Consolidated Amended and Supplemental Complaint, Docket # 337 ("Motion for Leave to Amend").

Lisa Blanco Jimenez and Neumiller Beardslee appeared telephonically on behalf of Defendants BRANDON SINCLAIR ("Brandon Sinclair"), GREGORY MAUCHLEY ("Mr. Mauchley"), MAUCTRST, L.L.C. ("Mauctrst LLC"), LAIRTRUST, L.L.C. ("Lairtrust LLC"), and CAPSTONE, L.L.C. ("Capstone LLC") in case number CIV-F-03-5439 OWW DLB (the "Fox Hollow Action"), Defendants Mauctrst LLC, Mr. Mauchley, DIANA MAUCHLEY,

1 Capstone LLC, Brandon Sinclair, Lairtrust LLC, DEBORAH A. SINCLAIR, and SE, a
2 California Corporation, in case number 1:03- CV-5774 OWW SMS (the “CEMG Action”) that is
3 consolidated with the Fox Hollow Action, and Plaintiffs Lairtrust LLC, Mautrst LLC and
4 Capstone LLC in removed Stanislaus County Superior Court, case number 332675 (the “Lairtrust
5 Action”) that is consolidated with the Fox Hollow Action.

6 Richard Sinclair appeared telephonically on behalf of himself, Defendant Richard Sinclair
7 (“Mr. Sinclair”) in the Fox Hollow Action and the CEMG Action.

8 Michael L. Abbott appeared on behalf of Defendants Capstone Trust, Stanley Flake as
9 Trustee (“Capstone Trust”) in the Fox Hollow Action, and Defendants Stanley M. Flake (“Mr.
10 Flake”), Stanley M. Flake, Trustee, F. Hanse Trust, udt dated February 2, 1993 (“Hanse Trust”),
11 and Stanley M. Flake, Trustee, the Julie Insurance Trust, udt dated January 29, 1993 (“Julie
12 Trust”) in the CEMG Action.

13 Brandon Sinclair, Mr. Mauchley and Mrs. Mauchley also appeared telephonically at the
14 hearing.

15 D. Greg Durbin and McCormick, Barstow, Sheppard, Wayte & Carruth LLP, appeared on
16 behalf of Plaintiffs FOX HOLLOW OF TURLOCK OWNERS ASSOCIATION (“Fox Hollow
17 HOA”) and CALIFORNIA EQUITY MANAGEMENT GROUP, INC. (“CEMG”) in the Fox
18 Hollow Action and the CEMG Action and Defendants Fox Hollow HOA, CEMG and ANDREW
19 KATAKIS in the Lairtrust Action (collectively the “Plaintiffs”).

20 The Court having considered such matters and having heard from counsel for the parties
21 and parties herein, and good cause appearing:

22 **IT IS HEREBY ORDERED THAT:**

23 1. With respect to the Motion to Withdraw, all of the parties that the Neumiller firm
24 represent in this action shall have all issues resolved relating to their representation of this case,
25 including the filing of all substitutions of counsel, not later than April 30, 2010, with the Motion
26 to Withdraw as of the date of the hearing denied and the request by Neumiller to withdraw
27 GRANTED effective as of April 30, 2010.

28 2. The Court sets a scheduling conference in this action for May 19, 2010, at 8:45

1 a.m., before the Honorable Oliver W. Wanger, in courtroom 3, with all of the parties directed to
2 meet and confer and then file a scheduling conference statement not later than May 11, 2010 with
3 proposal(s) for a schedule for the case.

4 3. The hearing on the Motion to Amend is set for June 1, 2010, at 10:00 a.m., before
5 the Honorable Oliver W. Wanger, in courtroom 3, with any and all opposition filed and served
6 not later than May 15, 2010, and any replies filed and served no later than May 22, 2010.

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Dated: March 9, 2010

_____/s/ OLIVER W. WANGER_____
The Honorable Oliver W. Wanger,
United States District Judge