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 ASSOCIATION and CALIFORNIA EQUITY  
 8 MANAGEMENT GROUP, INC. and Defendant and  
 Cross-Defendant ANDREW KATAKIS  
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10 UNITED STATES DISTRICT COURT  
 11 EASTERN DISTRICT OF CALIFORNIA  
 12

13 FOX HOLLOW OF TURLOCK  
 OWNERS' ASSOCIATION, a California  
 14 Nonprofit Mutual Benefit Corporation; et.  
 al.,  
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Plaintiffs,  
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v.  
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MAUCTRST LLC; et. al.,  
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Defendants.  
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Case No. CIV-F-03-5439 OWW DLB

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

**EX PARTE APPLICATION FOR  
 CORRECTION OF TYPOGRAPHICAL  
 ERROR IN DATE IN SUPPLEMENTAL  
 SCHEDULING CONFERENCE ORDER  
 FILED AUGUST 20, 2010; AND ORDER  
 THEREON**

20 AND CONSOLIDATED ACTIONS  
 21

22  
 23 EX PARTE APPLICATION

24 I, D. Greg Durbin, do hereby declare and state:

25 1. Your declarant is a member of the law firm of McCormick, Barstow, Sheppard,  
 26 Wayte and Carruth, LLP, attorneys of record here for Plaintiffs, Defendants and Cross-  
 27 Defendants FOX HOLLOW OF TURLOCK OWNERS ASSOCIATION and CALIFORNIA  
 28 EQUITY MANAGEMENT GROUP, INC. and Defendant and Cross-Defendant ANDREW

1 KATAKIS (collectively the “CEMG/Fox Hollow Parties”), and as such is a duly licensed and  
2 practicing attorney before all courts in the State of California and before this court.

3 2. Your Declarant attended the scheduling conference before the court on August 13,  
4 2010, on behalf of the CEMG/Fox Hollow Parties. Mr. Stocker also personally appeared, and  
5 Mr. Sinclair appeared by telephone.

6 3. During the course of the scheduling conference, the court established an initial  
7 disclosure date of November 10, 2010.

8 4. Your declarant discovered last week that a typographical error was made at page 4,  
9 line 25, in the Supplemental Scheduling Conference Order file August 20, 2010 [Docket # 430],  
10 pursuant to that conference, in that the initial disclosure date was listed as November 10, 2011,  
11 instead of November 10, 2010. (The November 10, 2011 date is almost five (5) months past the  
12 completion of discovery and less than one month before the trial date of December 6, 2011.)

13 5. On Thursday morning, October 21, 2010, your declarant alerted the other counsel  
14 to the error by letter sent out via email at 11:57 am, a copy of which is attached hereto as Exhibit  
15 “A” and requesting that if any counsel had objection to this *ex parte* application, they so notify  
16 your declarant by close of business on Friday, October 22, 2010.

17 6. Your declarant has received no response to this letter.

18 7. Accordingly, your declarant requests that the court issue an order correcting the  
19 typographical error, and thereby amending the Supplemental Scheduling Conference Order to list  
20 the initial disclosure date as November 10, 2010 [and not November 10, 2011].

21 Your declarant declares under penalty of perjury that the foregoing is true and correct and  
22 that this application is executed by him on this 25<sup>th</sup> day of October 2010.

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/s/ D. Greg Durbin  
D. Greg Durbin

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ORDER

On *ex parte* application of the CEMG/Fox Hollow Parties, and good cause appearing, IT IS HEREBY ORDERED that the Supplemental Scheduling Conference Order filed hereon on August 20, 2010, as Docket # 430, be and hereby is amended to correct the date for initial disclosures at page 4, lines 24 and 25, to provide: “1. **The parties shall file their initial disclosures on or before November 10, 2010.**”

**IT IS SO ORDERED.**

**Dated: November 3, 2010**

/s/ Oliver W. Wanger  
**UNITED STATES DISTRICT JUDGE**