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(SPACE BELOW FOR FILING STAMP ONLY)

7 Attorneys Plaintiffs, Defendants and Cross-Defendants  
 FOX HOLLOW OF TURLOCK OWNERS  
 ASSOCIATION and CALIFORNIA EQUITY  
 8 MANAGEMENT GROUP, INC. and Defendant and  
 Cross-Defendant ANDREW KATAKIS  
 9

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.,  
 15

Plaintiffs,

v.

17 MAUCTRST LLC; et. al.,  
 18

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)

**ORDER DENYING MOTION TO DISMISS  
 BROUGHT BY DEFENDANTS  
 MAUCTRST, LLC, LAIRTRUST, LLC AND  
 CAPSTONE, LLC**

19  
 20 AND CONSOLIDATED ACTIONS  
 21

22 Defendants MAUCTRST LLC, LAIRTRUST LLC and CAPSTONE LLC (the "Moving  
 23 Defendants"), having filed their Motion to Dismiss the RICO and unjust enrichment claims in the  
 24 Consolidated Amended Complaint on August 12, 2010 [Docket # 422], Plaintiffs FOX  
 25 HOLLOW OF TURLOCK OWNERS' ASSOCIATION and CALIFORNIA EQUITY  
 26 MANAGEMENT GROUP, INC. ("Plaintiffs") having filed their opposition thereto on October 8,  
 27 2010 [Docket # 437], the Moving Defendants having filed their reply thereto on October 18, 2010  
 28 [Docket # 439], the matter having come on regularly for hearing on November 8, 2010, with

1 Steven R. Stoker of Pascuzzi, Moore and Stoker appearing on behalf of the Moving Defendants  
2 and D. Greg Durbin of McCormick, Barstow, Sheppard, Wayte and Carruth LLP having appeared  
3 on behalf of Plaintiffs, and the matter having been then and there argued and submitted, and the  
4 Court having duly considered the papers filed in support of and in opposition to such motion and  
5 the arguments of counsel and having issued its Memorandum of Decision Regarding Defendants  
6 Motion to Dismiss thereon on December 20, 2010 [Docket # 461], denying such motion in its  
7 entirety and providing notice thereof to the parties through CM/ECF:

8 NOW, THEREFORE, IT IS HEREBY ORDERED that the motion filed on August 10,  
9 2010 [Docket # 422] by Defendants MAUCTRST LLC, LAIRTRUST LLC and CAPSTONE  
10 LLC to dismiss the Consolidated Amended Complaint filed on July 21, 2010 [Docket # 410] be  
11 and hereby is denied in its entirety.

12  
13 IT IS SO ORDERED.

14  
15 Dated: January 3, 2011

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/s/ OLIVER W. WANGER

UNITED STATES DISTRICT COURT JUDGE