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(SPACE BELOW FOR FILING STAMP ONLY)

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

UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA

FOX HOLLOW OF TURLOCK  
 OWNERS' ASSOCIATION, a California  
 Nonprofit Mutual Benefit Corporation; et.  
 al.,

Plaintiffs,

v.

MAUCTRST LLC; et. al.,

Defendants.

Case No. 1:03-CV-05439-OWW-DLB

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

**ORDER GRANTING THE CEMG/FOX  
 HOLLOW PARTIES' MOTION FOR  
 PARTIAL SUMMARY JUDGMENT RE  
 CROSS-COMPLAINT CLAIMS ARISING  
 OUT OF CROSS-DEFENDANTS'  
 ALLEGED CONDUCT DURING AND  
 AFTER TRIAL OF THE STATE COURT  
 ACTION**

AND CONSOLIDATED ACTIONS

The Motion of Plaintiffs, Defendants, and Cross-Defendants FOX HOLLOW OF  
 TURLOCK OWNERS ASSOCIATION and CALIFORNIA EQUITY MANAGEMENT  
 GROUP, INC., and Defendant and Cross-Defendant ANDREW KATAKIS (collectively, the  
 "CEMG/Fox Hollow Parties") for Partial Summary Judgment Re Cross-Complaint Claims  
 Arising Out of Cross-Defendants' Alleged Conduct During and After Trial of the State Court  
 Action [Docket # 478] having regularly come on for hearing on May 2, 2011, with D. Greg  
 12444/00001-1751245.v1

ORDER GRANTING THE CEMG/FOX HOLLOW PARTIES' MOTION FOR PARTIAL SUMMARY  
 JUDGMENT RE: CROSS-COMPLAINT

1 Durbin appearing personally on behalf of the CEMG/Fox Hollow Parties and Richard C. Sinclair  
2 appearing telephonically; the Cross-Complaint filed by Defendants and Cross-Complainants  
3 RICHARD SINCLAIR, BRANDON SINCLAIR, and GREGORY MAUCHLEY on August 10,  
4 2010 (the "Cross-Complaint [Docket # 425]) having been stayed the by order filed herein on  
5 February 2, 2011, except for claims arising out of "(i) Plaintiffs' alleged breach of the 2007  
6 settlement agreement, and (ii) Plaintiffs' alleged conduct during and after trial of the state court  
7 action" [Docket # 476]; the claims arising out of the purported 2007 settlement agreement having  
8 been stayed by the Court on April 29, 2011 [Docket #s 563 and 576]; the present motion directed  
9 to the remaining unstayed claims arising out of the CEMG/Fox Hollow Parties' conduct during  
10 and after trial of the state court action alleged in the Cross-Complaint, having been argued and  
11 submitted; the Court having issued and served its Memorandum of Decision on June 13, 2011  
12 [Docket # 626], granting such Motion for Partial Summary Judgment; and the Court finding that  
13 none of the Defendants and Cross-Complainants RICHARD SINCLAIR, BRANDON  
14 SINCLAIR, and GREGORY MAUCHLEY were owners of Lot 1 of Fox Hollow during and after  
15 trial of the state court action, and therefore, they each lack standing to sue for claims arising out  
16 of any ownership interest in Lot 1 during and after trial of the state court action:

17 NOW, THEREFORE, IT IS HEREBY ORDERED that:

18 1. The CEMG/Fox Hollow Parties' Motion for Partial Summary Judgment Re Cross-  
19 Complaint Claims Arising Out of Cross-Defendants' Alleged Conduct During and After Trial of  
20 the State Court Action is GRANTED; and

21 2. The claims of Defendants and Cross-Complainants RICHARD SINCLAIR,  
22 BRANDON SINCLAIR, and GREGORY MAUCHLEY against the CEMG/Fox Hollow Parties  
23 arising out of any ownership interest in Lot 1 at Fox Hollow during and after trial of the state  
24 court action are dismissed.

25  
26 Dated: June 24, 2011

27 /s/ OLIVER W. WANGER  
UNITED STATES DISTRICT COURT JUDGE