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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL NEMEE, et al.,

Case No. 1:12-cv-2048-SKO

Plaintiffs,

**ORDER SETTING A BRIEFING  
SCHEDULE**

v.

BRENT HARRINGTON, et al.,

Defendants.

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On May 13, 2014, the parties appeared for a scheduling conference. Kenneth Foley, Esq., appeared on behalf of Plaintiffs; Scott Reddie, Esq., and Michael Woods, Esq., appeared on behalf of Defendants. The parties agreed that the effect of the bankruptcy court's November 21, 2011, order in adversary case *Nemee v. Harrington*, No. 09-9088 (Eastern District of Cal., Bankruptcy Court) (Doc. 168) and the subsequent appeal of the bankruptcy court's order and judgment in related case No. 1:12-cv-00002-LJO (E.D. Cal.),<sup>1</sup> is a case-dispositive issue and shall be addressed as an initial matter through a dispositive motion filed by Defendants. At the scheduling conference, the Court set a briefing schedule for this motion. Once this motion is decided, a further scheduling conference will be set if necessary.

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<sup>1</sup> The District Court's order in Case No. 1:12-cv-00002-LJO was appealed to the Ninth Circuit and summarily affirmed on January 16, 2014. The parties' dispute the effect on this case of the bankruptcy court's finding with respect to the issue of agritourism as it related to Plaintiffs' golf course. (Doc. 27, Joint Statement, 5:25-26 ("The key disputed issue is whether the Bankruptcy Court's findings regarding agritourism in Case No. 09-9088 are considered res judicata or collateral estoppel in this action."))

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Accordingly, IT IS HEREBY ORDERED that:

1. Defendants shall file a dispositive motion on or before June 26, 2014;
2. Plaintiffs shall file a brief in opposition on or before July 11, 2014;
3. Defendants may file a reply brief on or before July 25, 2014;
4. A hearing on this matter is SET for August 20, 2014, at 9:30 a.m. in Courtroom 7;  
and
5. If appropriate, the Court will set another scheduling conference after ruling on Defendants' motion.

IT IS SO ORDERED.

Dated: June 2, 2014

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE