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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NORTH VIEW ESTATES, GP, a
General Partnership,

Case No. 2:08-cv-02230-JAM-GGH

Plaintiff,

ORDER DENYING DEFENDANTS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT

v.

YREKA HOLDINGS, II, a Oregon
Limited Partnership; CHRIS A.
GALPIN, an individual; GREGG
ADAMS, an individual, and DOES
1-50, inclusive,

Defendants.

This matter is before the Court on Defendants Yreka
Holdings, II, Cris Galpin, and Gregg Adam's (collectively
"Defendants") motion for partial summary judgment pursuant to
Rule 56 of the Federal Rules of Civil Procedure. (Doc. # 50.)
Plaintiff North View Estates, GP ("Plaintiff") opposes the
motion. (Doc. # 71.) For the reasons set forth below,
Defendants' motion is DENIED.

1 I. FACTUAL AND PROCEDURAL BACKGROUND

2 The Court views the facts and draws inferences in the
3 manner most favorable to Plaintiff as the non-moving party.
4 This case concerns the sale and financing of 142 acres of real
5 property, known as the North View Estates property, located in
6 the City of Yreka. Plaintiff North View Estates was the
7 original owner of the entire North View Estates Property.
8 Plaintiff argues that by way of a Purchase Agreement and
9 Addendum to the Purchase Agreement it sold to the Defendants the
10 entire North View Estates property. Defendants assert the
11 Purchase Agreement and Addendum violate the Subdivision Map Act
12 and therefore are void. In the instant motion, Defendants move
13 for partial summary judgment, alleging that the Court should
14 enter judgment in favor of Defendants and against Plaintiff in
15 both the First Amended Supplemental Counterclaim (hereinafter
16 "Counterclaim")(Doc. # 28) and Plaintiff's Complaint (Doc. #
17 32).

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21 On January 12, 2010, the Court held a hearing on this
22 matter and on Plaintiff's cross motion for summary judgment on
23 the first and second causes of action in the Counterclaim. (Doc.
24 # 82.) The Court granted Plaintiff's cross motion for summary
25 judgment for all the reasons set forth at the January 12, 2010
26 hearing and for the reasons detailed in Plaintiff's briefs
27 describing why the statute of limitations precludes Defendants
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1 from going forward on these two affirmative causes of action.
2 As such, the only issues presently before the Court are
3 Defendants' motion for partial summary judgment on Defendants'
4 third cause of action in the Counterclaim and Defendants' motion
5 for partial summary judgment on all eight causes of action in
6 Plaintiff's Complaint.
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8 II. OPINION

9 A. Legal Standard

10 A motion for partial summary judgment is resolved under the
11 same standard as a motion for summary judgment. See California
12 v. Campbell, 138 F.3d 772, 780 (9th Cir. 1998). Summary
13 judgment is proper "if the pleadings, depositions, answers to
14 interrogatories, and admissions on file, together with
15 affidavits, if any, show that there is no genuine issue of
16 material fact and that the moving party is entitled to judgment
17 as a matter of law." Fed. R. Civ. P. 56(c). The purpose of
18 summary judgment "is to isolate and dispose of factually
19 unsupported claims and defenses." Cleotex v. Catrett, 477 U.S.
20 317, 323-324 (1986).
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23 The moving party bears the initial burden of demonstrating
24 the absence of a genuine issue of material fact for trial.
25 Anderson v. Liberty Lobby, Inc., 447 U.S. 242, 248-49 (1986).
26 If the moving party meets its burden, the burden of production
27 then shifts so that "the non-moving party must set forth, by
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1 affidavit or as otherwise provided in Rule 56, 'specific facts
2 showing that there is a genuine issue for trial.'" T.W. Elec.
3 Serv., Inc. v. Pacific Elec. Contractors Ass'n, 809 F.2d 626,
4 630 (9th Cir. 1987) (quoting Fed. R. Civ. P. 56(e) and citing
5 Celotex, 477 U.S. at 323). The Court must view the facts and
6 draw inferences in the manner most favorable to the non-moving
7 party. United States v. Diebold, Inc., 369 U.S. 654, 655
8 (1962).
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11 The mere existence of a scintilla of evidence in support of
12 the non-moving party's position is insufficient: "There must be
13 evidence on which the jury could reasonably find for [the non-
14 moving party]." Anderson, 477 U.S. at 252. This Court thus
15 applies to either a defendant's or plaintiff's motion for
16 summary judgment the same standard as for a motion for directed
17 verdict, which is "whether the evidence presents a sufficient
18 disagreement to require submission to a jury or whether it is so
19 one-sided that one party must prevail as a matter of law." Id.
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21 B. Third Cause of Action in Defendants' Counterclaim

22 Defendants' third cause of action in the Counterclaim seeks
23 a declaration that the sales of units 4, 5, 7, 10A and 10B are
24 void. At the August 26, 2009 hearing, the Court declared such
25 partial reconveyances void and granted Plaintiff's motion to set
26 aside the recordation of partial reconveyances. See Doc. # 48.
27
28 As such, Defendants' motion for summary judgment on their third

1 cause of action is moot. As to any other relief Defendants are
2 entitled to under this claim, Defendants failed to present
3 sufficient evidence or argument on this issue in their summary
4 judgment papers or at the hearing on their motion. Accordingly,
5 the issue of what additional remedy, if any, Defendants are
6 entitled to under their third cause of action is reserved for
7 trial and Defendants' motion for partial summary judgment on the
8 third cause of action in the Counterclaim is DENIED.
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11 C. Defendants' Motion for Partial Summary Judgment on
12 Plaintiff's Complaint

13 Defendants seek summary judgment on all eight causes of
14 action in Plaintiff's Complaint. Defendants have not presented
15 enough evidence to sustain their motion for summary judgment.
16 Plaintiff also demonstrated in its Opposition brief (Doc. # 71)
17 and at the January 12, 2010 hearing that there are genuine
18 issues of material fact for trial. The matter of what issues
19 need to be tried is left for the parties to set forth in their
20 joint pre-trial statement due January 20, 2010, and will be
21 further discussed at the pretrial conference scheduled for
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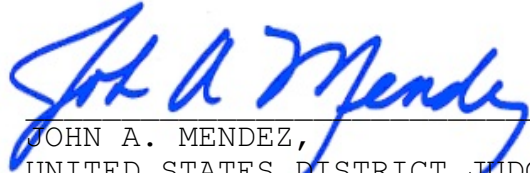
1 January 27, 2010. As such, Defendants' motion for partial
2 summary judgment on Plaintiff's Complaint is DENIED.

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4 III. ORDER

5 For the reasons set forth above, Defendants' motion for
6 partial summary judgment is DENIED.

7 IT IS SO ORDERED.

8 Dated: January 13, 2010

9 
10 JOHN A. MENDEZ,
11 UNITED STATES DISTRICT JUDGE