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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

United States Fire Insurance Company,

NO. C 09-02388 JW

Plaintiff,

v.

Vesta Strategies, LLC, et al.,

Defendants.

**ORDER VACATING HEARING ON
ORDER TO SHOW CAUSE RE: JOINDER
OF THIRD PARTIES AND STANDING TO
ASSERT CROSS-CLAIMS; TAKING
MATTER UNDER SUBMISSION**

This case is scheduled for a hearing on April 19, 2010 on the Court's Order to Show Cause Re: Joinder of Third Parties and Standing to Assert Cross-Claims. (hereafter, "March 25, 2010 Order," Docket Item No. 165.) In its March 25, 2010 Order, the Court ordered briefing on the following two issues:

- (1) Whether Depositors' Cross-Complaint and Counter-Complaint improperly added numerous parties and claims to this case.¹
- (2) Whether Depositors lacked standing to pursue their claims against Insurers in light of the Court's appointment of a receiver to stand in the shoes of Vesta Strategies, LLC and Excalibur 1031 Group, LLC.²

¹ Depositors are Samuel Henka, Joyce Simmons, Michael Simmons, Christopher Walsh, and Maria Del Carmen Alonso.

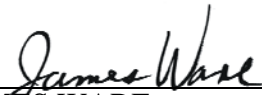
² Insurers are U.S. Fire Insurance Co., Continental Casualty Co., and Liberty Mutual Insurance Co.

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Upon review of the parties' submissions in advance of the hearing, the Court finds the briefing to inadequately address the issues presented. Thus, the Court finds that it needs additional time to adequately analyze the issues it raised *sua sponte*.

Accordingly, the Court VACATES the April 19, 2010 hearing and takes the matter under submission without oral argument.

Dated: April 15, 2010



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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15 **Dated: April 15, 2010**

Richard W. Wieking, Clerk

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By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy