

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

FSM DEVELOPMENT BANK a/k/a )  
FEDERATED STATES OF MICRONESIA )  
DEVELOPMENT BANK, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
ROBERT ARTHUR and PATRICIA ARTHUR, )  
 )  
Defendants. )

Case No.: 11-CV-05494-LHK  
ORDER RE SUBJECT MATTER  
JURISDICTION

Defendants' motion to remand is set for hearing on April 26, 2012. The parties are hereby ordered to be prepared to address the following issues at the hearing: (1) whether this Court has subject matter jurisdiction, pursuant to the Federal Sovereign Immunities Act, 28 U.S.C. §§ 1602, *et seq.*, over Defendants' cross-complaint and complaint-in-intervention; and (2) why that issue is not barred by the collateral estoppel doctrine as a result of the Ninth Circuit's decision in *AHPW, Inc. v. Pohnpei*, 437 F. App'x 565 (9th Cir. June 9, 2011). By 3:00 p.m. on Wednesday, April 25, 2012, each side is permitted to file an up to three page brief addressing these issues.

**IT IS SO ORDERED.**

Dated: April 23, 2012

  
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LUCY H. KOH  
United States District Judge