

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

CHAUTAUQUA VINEYARDS AND  
WINERY, INC., et al.,

Plaintiffs,

vs.

CASE NO.: 3:08cv436/MCR/MD

TERRELL B. BOUNDS and  
BEVERLY F. BOUNDS,

Defendants.

---

**ORDER**

This cause is before the court on defendants' Motion to Strike Brief in Opposition to the Bankruptcy Court's Report and Recommendation to the District Court to Withdraw Reference of the Trial of Certain Counts of Parties' Complaints. (Doc. 10). Plaintiffs Paul D. Owens and Katherine M. Owens have responded in opposition. (Doc. 11). Upon consideration, it is

ORDERED:

1. Defendants' motion is DENIED at this time given the unusual posture of the Report and Recommendation.
2. The parties are directed to file legal memoranda addressing the following issues:
  - a) the procedural posture of the Report and Recommendation and the statutory authority for district court action on the Report and Recommendation; and
  - b) the merits of the Report and Recommendation, namely the three options suggested by the bankruptcy court judge, including all objections.

The memoranda must be filed within thirty (30) days of the date of entry hereof. The parties shall appear before the undersigned for oral argument on their respective positions

on June 24, 2009, at 2:00 PM, at the United States District Court, 1 North Palafox Street, Courtroom 4 North, Pensacola, Florida. Three (3) hours are reserved.

DONE and ORDERED this 10th day of April, 2009.

*s/ M. Casey Rodgers*

**M. CASEY RODGERS  
UNITED STATES DISTRICT JUDGE**