

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

J. WAYNE RAIFORD and B, T & R *
Enterprises, LLC, *

Plaintiffs, *

v. *

NATIONAL HILLS EXCHANGE, *

Defendant. *

CV 111-152

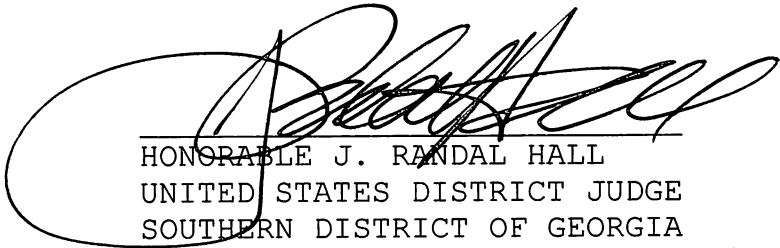
O R D E R

In this case, Plaintiffs allege that Defendant National Hills Exchange, LLC breached a purchase-sale agreement for a shopping center in Augusta, Georgia. (Doc. 1.) Because National Hills Exchange is insolvent, Plaintiffs seek an equitable remedy for the alleged breach. Specifically, Plaintiffs request that the Court grant them an interest in the company that currently owns the shopping center. In previous orders, the Court has questioned its ability to grant this relief. (See Doc. 118 at 72; Doc. 239 at 28.) But neither party has addressed the issue.

Under Federal Rule of Civil Procedure 19, a court must join a party if: "(A) in that person's absence, the court cannot accord complete relief among existing parties; or (B) that

person claims an interest relating to the subject of the action and is so situated that disposing of the action in the person's absence may . . . impede the person's ability to protect the interest" Fed. R. Civ. P. 19(a). The Court questions whether it can grant the relief Plaintiffs seek without first joining the current owner of the shopping center as a party. Accordingly, the parties are **ORDERED** to brief the following issue by **Friday, October 14, 2016**: Whether the current owner of the shopping center must be joined as a party under Rule 19.

ORDER ENTERED at Augusta, Georgia this 7th day of October, 2016.



HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA