

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION

BLOCKER FARMS OF FLORIDA, LLC,<sup>1</sup>

Plaintiff,

v.

BUURMA PROPERTIES, LLC,

Defendant.

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CV 613-068

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**O R D E R**

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On September 15, 2014, this Court granted Defendant's Motion for Summary Judgment and denied Plaintiff's Motion for Partial Summary Judgment. (Doc. 47.) Pursuant to the grant of summary judgment in favor of Defendant on all of Plaintiff's claims, this case was closed. (Doc. 48.) On October 14, 2014, Plaintiff filed its Notice of Appeal to the Court of Appeals for the Eleventh Circuit. (Doc. 49.) In accord with the Eleventh Circuit's mandate vacating this Court's determination that Plaintiff's claims against Defendant were barred by the doctrine of res judicata<sup>2</sup> (Doc. 63), **IT IS HEREBY ORDERED** that the

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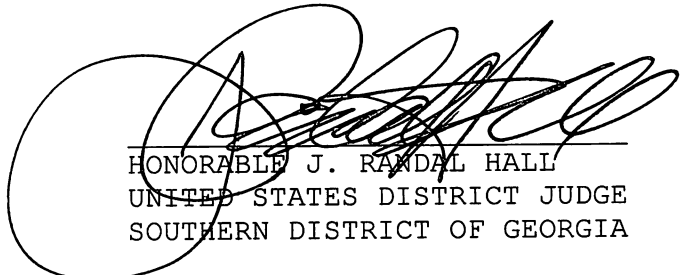
<sup>1</sup> Plaintiff Blocker Farms of Florida is not, as the Plaintiff's Complaint alleges, a Florida corporation. Rather, Plaintiff Blocker Farms of Florida is a Florida limited liability company. (Doc. 54-1 at 2; Doc. 59, at 3-4). The Clerk is therefore **ORDERED** to correct the caption of this action to reflect this fact (i.e., Plaintiff should be identified as "BLOCKER FARMS OF FLORIDA, LLC").

<sup>2</sup> The Court's grant of summary judgment in favor of Defendant and denial of partial summary judgment in favor of Plaintiff was based on the parties and their privies' prior litigation of an identical issue in the Superior Court of Tattnall County, Georgia, namely the matter of *Lynn S. Wyatt v. Cale Blocker*, Superior Court of Tattnall County, Georgia, CAFN: 2011-V-137-JS (the "State Litigation"). (Doc. 47.) After the grant of summary judgment in the captioned matter, however, the Court of Appeals of the State of Georgia vacated the Superior Court's judgment and remanded the case for further proceedings. (Doc. 63, at 2). Accordingly, the third prerequisite of

Order and Judgment entered on September 15, 2014 (Docs. 47 & 48) are hereby **VACATED**. **IT IS FURTHER ORDERED** that this case is hereby reopened, and the case is placed on the active docket of this Court.

**NOTWITHSTANDING THE FOREGOING**, the Court **STAYS** this case pending the resolution of the ongoing parallel State Litigation [*Lynn S. Wyatt v. Cale Blocker*, Superior Court of Tattnall County, Georgia, CAFN: 2011-V-137-JS]. See Moorer v. Demopolis Waterworks & Sewer Bd., 374 F.3d 994, 998 (11th Cir. 2004). The parties shall file notice of the final resolution of the State Litigation with this Court upon the announcement of the same.

**ORDER ENTERED** at Augusta, Georgia, this 24<sup>th</sup> day of August, 2016.



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

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Georgia's doctrine of res judicata, "the previous adjudication on the merits by a court of competent jurisdiction," is not satisfied. (Id. at 3.)