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E-filed: 03/16/2009

2 Nevada Bar No. 499

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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

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14 PHASE II CHIN, LLC and LOVE & MONEY,  
15 LLC, formerly O.P.M.L.V., LLC,

Case No. 2:08-cv-00162-JCM-GWF

16 Plaintiffs,

17 vs.

18 FORUM SHOPS, LLC, FORUM DEVELOPERS  
19 LIMITED PARTNERSHIP, SIMON PROPERTY  
20 GROUP LIMITED PARTNERSHIP, SIMON  
PROPERTY GROUP, INC., CAESARS  
PALACE CORP, CAESARS PALACE REALTY  
CORP., DOES 1 through 20, AND ROE  
CORPORATIONS 1 through 20,

21 Defendants.

22 **ORDER DENYING DEFENDANTS MOTIONS TO DISMISS**

23 **(And in the Alternative Motion to Strike)**

24 This matter is before the Court on all Defendants' Motions to Dismiss. The Court  
25 conducted a hearing in this matter on March 12, 2009. Jerold Fagelbaum, Esq. of Fagelbaum &  
26 Heller, LLP and Stanley Hunterton, Esq. and Pamela Lawson, Esq., of Hunterton and Associates,  
27 appearing on behalf of Plaintiff, Phase II Chin, LLC, Harold P. Gewerter, Esq., of the law firm of  
28 Harold P. Gewerter, Esq., Ltd., appearing on behalf of Plaintiff, Love & Money, LLC, Samuel  
Lionel, Esq. and Charles McCrea, Esq., of Lionel Sawyer & Collins, appearing on behalf of

1 Defendants Forum Shops, LLC, Forum Developers Limited Partnership, Simon Property Group  
2 Limited Partnership and Simon Property Group, Inc., and Steve Morris, Esq. of the law firm of  
3 Morris Peterson, appearing on behalf of Defendants Caesar's Palace Corp. and Caesar's Palace  
4 Realty Corp. The Court has read and considered all pleadings and papers on file herein, and the  
5 argument of counsel at the time of the hearing.

6 Good cause appearing it is hereby ORDERED that all Defendants Motions to Dismiss,  
7 and in the alternative Motion to Strike are hereby denied in their entirety.

8 DATED this \_\_\_\_\_ day of March, 2009.

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U.S. District Court Judge James C. Mahan

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12 Submitted by:  
HAROLD P. GEWERTER, ESQ., LTD.

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14           /s/ Harold P. Gewerter, Esq.            
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18 Attorney for Plaintiff  
19 Love & Money, LLC  
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