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**U.S. District Court
District of Columbia
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The following transaction was entered on 10/27/2009 at 6:59 PM and filed on 10/27/2009

Case Name: FELTER et al v. NORTON et al

Case Number: [1:02-cv-2156](#)

Filer:

WARNING: CASE CLOSED on 01/27/2006

Document Number: No document attached

Docket Text:

MINUTE ORDER: It is hereby ORDERED that the parties submit by December 1, 2009 supplemental memoranda regarding the preclusive effects of the prior judgments identified in the defendants' motion [14] to dismiss. The parties should address what, if any, preclusive effects the judgments have SPECIFICALLY on the plaintiffs' demand for an accounting in the eighth cause of action of the plaintiffs' amended complaint [5]. With respect to the issue of collateral estoppel, the parties should address whether any issue of fact or law that would be conclusive with respect to the demand for an accounting was actually litigated and determined by a valid and final judgment, see Consolidated Edison Co. of New York v. Bodman, 449 F.3d 1254, 1258 (D.C. Cir. 2006), and whether the plaintiffs had an incentive to fully litigate those issues in the earlier proceedings. See Yamaha Corp. of America v. United States, 961 F.2d 245, 254 (D.C. Cir. 1992). With respect to the issue of res judicata, the parties should address whether a demand for an accounting arose from the same nucleus of common facts as any of the claims made in the cases cited by the defendants in their motion to dismiss, such that the plaintiffs were required to bring the claim for an accounting in an earlier litigation. See Apotex, Inc. v. Food & Drug Admin., 393 F.3d 210, 217 (D.C. Cir. 2004). Signed by Judge Richard W. Roberts on 10/27/09. (lcrwr1)

1:02-cv-2156 Notice has been electronically mailed to:

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