

**JESSE ROBIDOUX; et al., Plaintiffs - Appellants, v. BRIAN ROSENGREN; et al.,
Defendants - Appellees.**

No. 09-16674

UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

2011 U.S. App. LEXIS 3393

February 18, 2011, Filed

NOTICE: PLEASE REFER TO *FEDERAL RULES OF APPELLATE PROCEDURE RULE 32.1* GOVERNING THE CITATION TO UNPUBLISHED OPINIONS.

PRIOR HISTORY: [*1]

Eastern District of California, Sacramento. D.C. No. 2:06-cv-02334-LKK-DAD.
Robidoux v. Rosengren, 2011 U.S. App. LEXIS 1217 (9th Cir. Cal., Jan. 21, 2011)

COUNSEL: For JESSE ROBIDOUX, REGINA ROBIDOUX, LORENA LINGENFELTER, RANDALL REICHENBERG, Jr., Minor, by and through the guardian ad litem Regina Robidoux guardian and litem Regina Robidoux, SHAUN JOHNSON, HANNAH BURK, Minor, by and through the guardian as litem Lorena Lingenfelter guardian ad litem Lorena Lingenfelter, MICHAEL R. BURK, Minor, by and through the guardian as litem Lorena Lingenfelter guardian ad litem Lorena Lingenfelter, Plaintiffs - Appellants: Stuart Eric Fagan, Esquire, Attorney, Law Offices of Stuart E. Fagan, San Diego, CA.

For WACKER FAMILY TRUST, Defendant - Appellee: Mark A. Campbell, Sacramento, CA; Luther R. Lewis, Esquire, JOHNSON SCHACHTER & LEWIS, A Professional Corporation, Sacramento, CA; Tiffany P. Scarborough, Esquire, Attorney, Murphy, Campbell, Guthrie & Alliston, Sacramento, CA.

For CHRISTINE WACKER, Doing business as Villa Serrano Apartments, EILEEN WACKER, WAYNE WACKER, Defendants - Appellees: Justin Scott Altmann, Murphy, Campbell, Guthrie & Alliston, Sacramento, CA; Mark A. Campbell, Sacramento, CA; Luther R. Lewis, Esquire, JOHNSON SCHACHTER & LEWIS, A Professional Corporation, Sacramento, [*2] CA.

For C&D INVESTMENT PROPERTIES DBA VILLA SERRANO APARTMENTS, Defendant - Appellee: Mark A. Campbell, Sacramento, CA; Luther R. Lewis, Esquire, JOHNSON SCHACHTER & LEWIS, A Professional Corporation, Sacramento, CA; Alesa Schachter, Attorney, JOHNSON SCHACHTER & LEWIS, A Professional Corporation, Sacramento, CA.

JUDGES: Before: NOONAN, PAEZ, and BEA, Circuit Judges.

OPINION

ORDER

The mandate issued on February 14, 2011 was issued in error. The mandate is recalled. The request for publication filed on January 28, 2011 is GRANTED. The memorandum disposition filed on January 21, 2011 is WITHDRAWN. A superseding opinion will be filed in due course.