

UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

In re:	)	Chapter 11
	)	
GORDON PROPERTIES, LLC,	)	
CONDOMINIUM SERVICES, INC.,	)	Case No. <b>09-18086-RGM</b>
	)	
Debtor.	)	
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	)	
GORDON PROPERTIES, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Adv. Proc. No. <b>11-01020-RGM</b>
	)	
FIRST OWNERS' ASSOCIATION OF FORTY	)	
SIX HUNDRED CONDOMINIUM, INC., <i>et al.</i> ,	)	
	)	
Defendants.	)	

**ORDER ON DEFENDANTS' MOTION TO DISMISS COMPLAINT**

This matter having come before the Court upon the Defendants' Motion to Dismiss Complaint (the "Motion") filed by Defendants First Owners' Association of Forty Six Hundred Condominium, Inc. (the "Association"), Board of Directors of First Owners' Association of Forty Six Hundred Condominium, Inc. (the "Board"), Dewanda "Dee" Cuadros, Corey Brooks, Elizabeth Moore, F.J. Pepper, Jerry Terry, Lucia Hadley, and Kevin Broncato, and the supporting memorandum filed therewith, and Gordon Properties, LLC's Memorandum in Opposition to Defendants' Motion to Dismiss Complaint (the "Opposition"); the Court having reviewed the Motion and the supporting memorandum, and the Opposition, and having heard the arguments of counsel, it is hereby

ORDERED that the Motion is DENIED as to Count I (Violation of the Automatic Stay); and it is further

ORDERED that the Motion is GRANTED as to Count II (Corporate Election Fraud), Count III (Failure to Hold Annual Meetings), and Count IV (Breach of Fiduciary Duty), on the basis that the Court lacks subject matter jurisdiction under 28 U.S.C. §1334, and Counts II, III, and IV are hereby DISMISSED; and it is further

ORDERED that Defendants' Motion is moot in all other regards in light of the Court's determination that it lacks subject matter jurisdiction.

Dated: \_\_\_\_\_  
Alexandria, Virginia

\_\_\_\_\_  
ROBERT G. MAYER  
U.S. Bankruptcy Judge

Entered on docket: \_\_\_\_\_

SEEN AND OBJECTED TO FOR THE REASONS SET FORTH ON THE RECORD AND IN THE MOTION:

/s/ Jennifer L. Sarvadi  
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SEEN AND OBJECTED TO FOR THE REASONS SET FORTH ON THE RECORD AND IN THE PLAINTIFF'S OPPOSITION TO THE MOTION:

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**LOCAL BANKRUPTCY RULE 9022-1 CERTIFICATION**

Pursuant to Local Bankruptcy Rule 9022-1, I hereby certify that the foregoing Order was endorsed by all necessary parties.

/s/ Jennifer L. Sarvadi  
Counsel