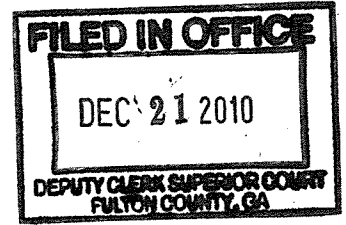


IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

RAMCO-GERSHENSON, INC. and)
RAMCO ROSWELL LLC,)
)
Plaintiffs,)
)
v.)
)
CITY OF ROSWELL, GEORGIA,)
by and through Its Councilmembers,)
MAYOR JERE WOOD; NANCY)
DIAMOND; RICH DIPPOLITO; KENT)
IGLEHEART; JERRY ORLANS; BETTY)
PRICE; and BECKY WYNN,)
)
Defendants.)



CIVIL ACTION
FILE NO. 2010CV192150

ORDER

Having reviewed the Complaint, Answer and other matters of record, and after having conferred with counsel for Plaintiffs and the Defendant City of Roswell by telephone, the Court hereby issues this Scheduling Order:

1. After having reviewed the materials filed and after conference with counsel for the parties, the Court feels strongly that this matter should be expedited, as there appears to be little doubt that there exist no issues of material fact and that Plaintiffs are entitled to the declaratory relief they seek in this zoning matter. Of course, this Court's final determination cannot be made until after formal consideration of the law and evidence of record. Although it is unusual in

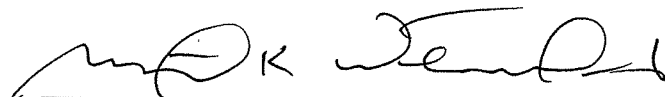
zoning cases, the Court believes that the issues relating to declaratory judgment, unconstitutional taking and whether the Defendants have acted in an arbitrary and capricious manner are ripe for disposition on summary judgment.

2. Plaintiffs shall file their Motion For Summary Judgment by **January 3, 2011**. The Defendant City of Roswell shall file its response no later than **February 2, 2011**. **Plaintiffs are directed to include arguments regarding their entitlement to expenses, damages and attorneys fees.** The Court will enter its decision no later than **February 9, 2011**.

3. Should the Court deny the Motion for Summary Judgment, trial of the matter shall be held during the week of **February 14, 2011**, absent further Order of the Court. The parties will be on 2-hour notice.

4. The Court has advised the incoming judge, the Honorable Kelly A. Lee, of the terms of this Order.

SO ORDERED, this 21st day of December, 2010.



Melvin K. Westmoreland, Judge
Superior Court of Fulton County
Atlanta Judicial Circuit

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