

STATE OF NORTH CAROLINA
COUNTY OF DURHAM

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
10 CVS 2597

NNN Durham Office Portfolio I, LLC; James Osmond; NNN Durham Office Portfolio 2, LLC; James Sun Yu Lam; NNN Durham Office Portfolio 3, LLC, Gary F. Turtle; NNN Durham Office Portfolio 4, LLC; Sherry L. Turtle; NNN Durham Office Portfolio 5, LLC; Gregory R. Maloney; NNN Durham Office Portfolio 6, LLC; Sharon I. Maloney; NNN Durham Office Portfolio 7, LLC; Ray Miller, Trustee; Patricia M. Miller, Trustee; NNN Durham Office Portfolio 9, LLC; PCL Property, LLC; NNN Durham Office Portfolio 10, LLC; Frances H. Kieffer, Trustee; NNN Durham Office Portfolio 11, LLC; Frank A. Norman, Jr.; NNN Durham Office Portfolio 12, LLC; St. Kitts Investments, LLC; NNN Durham Office Portfolio 13, LLC; Fannie B. Blackwelder; NNN Durham Office Portfolio 14, LLC; Barbara L. Davidson , Trustee; NNN Durham Office Portfolio 15, LLC; Frederick J. Hornbacher, Trustee; NNN Durham Office Portfolio 16, LLC; Roberta MacGregor Masson, Trustee; NNN Durham Office Portfolio 17, LLC; William B. Wachter, II, Trustee; NNN Durham Office Portfolio 18, LLC; Susan B. Wachter, Trustee; NNN Durham Office Portfolio 19, LLC; Pell/Cruz Investments, Inc.; NNN Durham Office Portfolio 20, LLC; Jack R. Brown; NNN Durham Office Portfolio 21, LLC; Patricia A. Brown; NNN Durham Office Portfolio 22, LLC; Jack D. LaFlesch, Trustee; NNN Durham Office Portfolio 24, LLC; Muriel Sample, Successor Trustee; James K. Merrill, Successor Trustee; NNN Durham Office Portfolio 26, LLC; C.G.B.M.T. Enterprises, Inc.; NNN Durham Office Portfolio 27, LLC; Susan E. Wagner; NNN Durham Office Portfolio 28, LLC; Frederic J. Van Dis; NNN Durham Office Portfolio 29, LLC; Lawrence A. Wattson, Trustee; Stephanie T. Wattson, Trustee; NNN Durham Office Portfolio 30,

**ORDER TO FILE SECOND AMENDED
COMPLAINT**

LLC; Darrin A. Smith; NNN Durham Office Portfolio 32, LLC; Kenneth Deno McLamb; NNN Durham Office Portfolio 33, LLC; Cynthia L. McLamb; NNN Durham Office Portfolio 34, LLC; Mark B. Pista; Carol E. Pista,

Plaintiffs,

v.

Highwoods Realty Limited Partnership; Highwoods DLF 98/29, LLC; Highwoods DLF, LLC; Highwoods Properties, Inc.; Grubb & Ellis/Thomas Linderman Graham; Thomas Linderman Graham, Inc.,

Defendants.

THIS MATTER comes before the Court on two Motions to Dismiss. Defendants Highwoods Realty Limited Partnership; Highwoods DLF 98/29, LLC; Highwoods DLF, LLC; and Highwoods Properties, Inc. filed a Motion to Dismiss pursuant to North Carolina Rules of Civil Procedure 12(b)(6) and 9(b) on June 4, 2010. Defendants Grubb & Ellis/Thomas Linderman Graham and Thomas Linderman Graham, Inc. filed a Motion to Dismiss pursuant to North Carolina Rules of Civil Procedure 12(b)(6) and 9(b) on June 21, 2010. A hearing on these Motions was held on September 23, 2010.

After considering Defendants' Motions and Plaintiffs' Responses and the oral arguments made by counsel, the Court hereby ORDERS Plaintiffs to file a Second Amended Complaint by Monday, October 25, 2010.

In the Second Amended Complaint, Plaintiffs' counsel is directed to plead the following with specificity:

1. Whether each Plaintiff directly received the 2006 Durham Office Portfolio Confidential Offering Memorandum ("Confidential Offering Memorandum"). If any Plaintiff received the Confidential Offering Memorandum indirectly, how, when, and from whom did the Plaintiff receive it?

2. Whether any Plaintiff relied on any information outside the Confidential Offering Memorandum.

3. If false information was received from another way, other than the Confidential Offering Memorandum—the nature of the false information and the source. If Defendants were not the source of the information, how are Defendants responsible for the dissemination?

4. Who disseminated the false information to each Plaintiff?

5. When and how did each Plaintiff receive the information?

6. When and how did Defendants prevent each Plaintiff from doing due diligence?

7. What security was offered by each Defendant and purchased by each Plaintiff?

8. What investment did each Plaintiff make in reliance on the false information?

IT IS SO ORDERED, this the 24th day of September, 2010.

/s/ Ben F. Tennille
The Honorable Ben F. Tennille
Chief Special Superior Court Judge
for Complex Business Cases