Whitney National Bank v. Highway Solutions, LLC et al Doc. 65

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

WHITNEY NATIONAL BANK,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2:07-CV-0415-ID
	)	(WO)
HIGHWAY SOLUTIONS, LLC;	)	
MICHAEL C. MARCATO and	)	
ANNE S. MARCATO,	)	
	)	
Defendants.	)	

O R D E R

This cause is currently before the Court on the Joint Motion for Dismissal Without Prejudice filed by Plaintiff Whitney National Bank and Defendant Highway Solutions, LLC. (Doc. #64). Upon consideration of the Motion, it is ORDERED

1. That all claims against Defendant Highway Solutions, LLC in the above-styled case are hereby DISMISSED without prejudice. Any party has the right to petition to reinstate this action to pursue any claim embraced herein not adjudicated in or discharged by proceedings in the bankruptcy court;

2. That such reinstatement, if and when allowed, will cause the filing date of any claim so reinstated to relate back to the original filing date of this action;

3. That any petition for reinstatement must be filed by a party within 60 days after the bankruptcy court has taken such action that entitles that party to seek reinstatement; and

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4. The Clerk of the Court is DIRECTED to mail a copy of this order to the United States Bankruptcy Court for the Middle District of Alabama.

DONE this the 13th day of January, 2011.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE