

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

BEAR LUMBER COMPANY, )  
INC., et al., )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
KIMBERLY S. HEADLEY, )  
et al., )  
 )  
Defendants. )

CIVIL ACTION NO.  
2:08cv841-MHT  
(WO)

ORDER

Based upon the representations made on-the-record on November 10, 2008, and by agreement of the parties, it is ORDERED that the case of Thomas v. A Plus Mortgage Corporation is remanded to the Circuit Court of Montgomery County, Alabama. The clerk of the court is to take appropriate steps to effect the remand.

It is further ORDERED as follows:

- (1) The motion to vacate (Doc. No. 10) is granted.
- (2) The submission order on the summary-judgment motion (Doc. No. 7) is vacated.

- (3) The motion for summary judgment (Doc. No. 2-10), which is pending in the remanded Thomas case only, is left for disposition by the state court. Said motion is terminated in this court.
- (4) Because defendant Neal Zeanah was a party in only the Thomas case, said defendant is terminated in this court.

DONE, this the 12th day of November, 2008.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE