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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Annette Winsor,
Plaintiff,

vs.

American Home Mortgage Acceptance,
Inc., a New York corporation; American
Home Mortgage Servicing, Inc., a
Maryland corporation; John and Jane
Does 1 through 10,
Defendants.

No. CV-08-578-PHX-DGC

ORDER

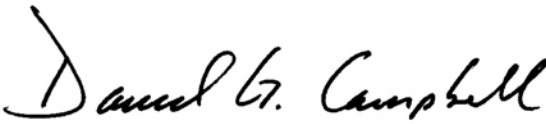
Defendants filed bankruptcy on August 6, 2007. Dkt. #8. On June 10, 2008, the Court issued an order staying this case until November 28, 2008, and instructing the parties that the case would be dismissed without notice on November 28, 2008 unless, prior thereto, a motion to continue the stay is filed or the Court is advised that the bankruptcy stay has been lifted and the parties are ready to proceed with the case. Dkt. #9. No motion to continue this Court's stay has been filed, nor have the parties advised that Court that the bankruptcy stay has been lifted and they are ready to proceed. Having considered the factors set forth in *Valley Engineers Inc. v. Electric Engineering Co.*, 158 F.3d 1051, 1057 (9th Cir. 1998), the Court finds that a dismissal without prejudice is appropriate.

IT IS ORDERED:

1. This action is **dismissed without prejudice.**

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2. The application for judgment by default (Dkt. #7) is **denied** as moot.
DATED this 1st day of December, 2008.



David G. Campbell
United States District Judge