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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Dana and Janet McLorn,

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No. CV-08-1602-PHX-LOA

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Plaintiffs,

)

ORDER

11

vs.

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Fleetwood Motor Homes of Indiana, Inc.,
d/b/a/ American Coach and Beaudry RV
Company,

)

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Defendants.

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16 This case arises upon Defendant Fleetwood Motor Homes' ("Fleetwood")
17 Notice of Filing Bankruptcy, filed on March 19, 2009, advising the Court and all parties
18 that on March 10, 2009, Defendant Fleetwood filed a voluntary Chapter 11 bankruptcy
19 petition in the United States Bankruptcy Court for the Central District of California,
20 Riverside Division, Case No. 09-14254-MJ. (docket # 31) It is unknown what effect, if
21 any, Defendant Fleetwood's bankruptcy petition will have on its alleged settlement with
22 Plaintiffs on or about March 2, 2009. (see docket # 29)

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24 By virtue of the automatic stay imposed pursuant to 11 U.S.C. § 362(a)(1)
25 with the filing of Defendant Fleetwood's bankruptcy petition, all pending matters against
26 Defendant Fleetwood will be stayed until further order of the Court. 11 U.S.C. § 362(a)
27 (1); *O'Donnell v. Vencor Inc.*, 466 F.3d. 1104 (9th Cir. 2006). On December 4, 2008, this
28 Court also stayed this case as to Defendant Beaudry RV Company only due to its filing a

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1 voluntary bankruptcy petition in the United States Bankruptcy Court for the District of
2 Arizona, No. BK-08-16533-EWH, on November 18, 2008. (docket # 24)

3 On the Court's own motion,

4 **IT IS ORDERED staying** this lawsuit against Defendant Fleetwood and
5 placing this lawsuit on inactive status until **June 1, 2009**.

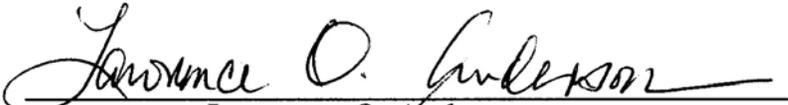
6 This lawsuit against Defendants Beaudry and Fleetwood will be dismissed
7 on **June 1, 2009** pursuant to Rule 41(b) (lack of prosecution), FED.R.CIV.P., unless prior
8 to the scheduled dismissal date, Plaintiffs demonstrate in writing that Plaintiffs have
9 moved to lift the stay in the bankruptcy court but the request has not been ruled upon or
10 has been denied; Plaintiffs have sought to reduce the claim(s) against the subject debtors
11 Beaudry and Fleetwood to judgment in the bankruptcy court in an adversary proceeding
12 and the adversary proceeding has not yet been adjudicated despite Plaintiffs' due
13 diligence in seeking its resolution; or Plaintiffs have timely demonstrated a reasonable
14 basis for continuance of this lawsuit against Defendants Beaudry and Fleetwood on
15 inactive status.

16 Any party may ask the Court to schedule an informal status conference
17 **before June 1, 2009** to inform the Court what action, if any, has been undertaken in the
18 bankruptcy court that would permit this lawsuit against Defendants Beaudry and
19 Fleetwood to proceed.

20 **IT IS FURTHER ORDERED** that the Court's March 4, 2009 Order is
21 hereby **VACATED**.

22 **IT IS FURTHER ORDERED** that all counsel shall use proper
23 capitalization in all future captions as mandated by LRCiv 7.1(a)(3).

24 Dated this 20th day of March, 2009.

25
26 
27 Lawrence O. Anderson
28 United States Magistrate Judge