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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.

)

12

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 Plaintiffs' Motion to Continue on Inactive Calendar.
17 (docket # 33) Plaintiffs request that the Court continue the case on the inactive calendar
18 for six (6) more months and allow time to determine if either Defendant will come out of
19 bankruptcy as a viable capitalized entity. In the alternative, Plaintiffs request that if the
20 case is dismissed by the Court, that such dismissal is without prejudice so the cause may
21 be re-filed if either or both Defendants emerge from bankruptcy. (*Id.* at 2)

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23 The Court's file reflects that the Complaint was filed on August 28, 2008.
24 (docket # 1) The case against Defendant Beaudry RV Company was stayed due
25 to its voluntary bankruptcy petition in the United States Bankruptcy Court, No. BK-08-
26 16533-EWH, filed on November 18, 2008. The Rule 16 scheduling conference was held
27 for all other parties on December 4, 2008 and deadlines set pursuant to the Joint Case
28 Management Report. (docket # 26) On March 10, 2009, Defendant Fleetwood filed a

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1 voluntary Chapter 11 bankruptcy petition in the United States Bankruptcy Court for the
2 Central District of California, Riverside Division, Case No. 09-14254-MJ. (docket # 31)

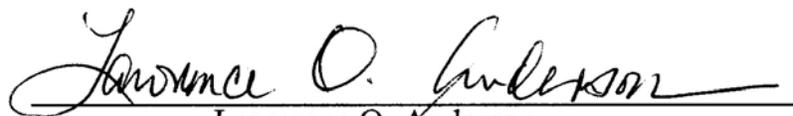
3 It is clear now that the Bankruptcy Courts' separate automatic stays will
4 prevent the parties herein from resolving Plaintiffs' claims within the time frame of the
5 Court's Rule 16 scheduling order. Good cause does not exist, however, to keep this
6 District Court case open but inactive. Plaintiffs may seek to reduce their claims against
7 the subject debtors Beaudry and Fleetwood to judgment in the bankruptcy court in
8 separate adversary proceedings.

9 On the Court's own motion,

10 **IT IS ORDERED** that Plaintiffs' Motion to Continue on Inactive Calendar,
11 docket # 33, is **GRANTED**.

12 **IT IS FURTHER ORDERED** that this case is **DISMISSED** without
13 prejudice due to the foreseeable lack of prosecution related to Defendants' bankruptcy
14 filings. The Clerk is kindly directed to terminate this case.

15 Dated this 1st day of June, 2009.

16 

17 Lawrence O. Anderson
18 United States Magistrate Judge