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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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United States of America,

) CV-10-0696-PHX-LOA

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Plaintiff,

) **ORDER**

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vs.

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13

Direct Marketing Associates, Corp.; John
M. Rainey, Jr.,

14

Defendants.

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On February 7, 2011, the Court directed Defendants and the Bankruptcy Trustees of Defendants' estates, or their counsel, to show cause in writing on or before Monday, February 21, 2011 why this Court should not lift the stay in this District Court action, grant Plaintiff's motion and enter the stipulated judgment, consistent with (proposed) Stipulated Final Judgment and Order for Civil Penalties, Permanent Injunction, and Other Equitable Relief, lodged on March 29, 2010. (Doc. 19) Shortly after the OSC was entered, the parties filed a Joint Motion to Approve Stipulated Final Judgment, doc. 21, signed by the parties' counsel of record, which directed the Court's attention to the fact that the parties and their counsel had signed the proposed consent decree lodged on March 29, 2010. (Doc. 4-1 at 12-14)

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After receipt of a copy of the Court's February 7, 2011 OSC, Ryan W. Anderson, counsel for Anthony H. Mason, Chapter 7 Trustee for *In re: John M. Rainey, Jr. and Laurie A. Rainey*, U.S. Bankruptcy Court Cause No. 2:10-bk-03031-GBN, appeared in

1 this District Court action, indicating “[t]he Trustee has no objection to the stay being lifted
2 by the District Court for the entry verified stipulated judgment against the Debtors.” (Docs.
3 22-23)

4 On the same day, Adam B. Nach, counsel for S. William Manera, the Chapter
5 7 Trustee for *In re: Estate of Direct Marketing, Inc.*, 2-10-bk-00910-SSC, also responded to
6 the Court’s Order to Show Cause, indicating the Trustee “does not object to the automatic
7 stay being lifted in the Chapter 7 Bankruptcy case as to this Bankruptcy Estate to allow the
8 District Court to enter the Consent Decree, as long as no action is taken against the
9 Bankruptcy Estate or property of the Bankruptcy Estate.” (Doc. 24) The Court construes
10 Trustee Manera’s conditional consent to lifting the stay as his approval of the Court’s lifting
11 the stay and granting the requested relief provided, however, Plaintiff complies with the
12 terms and conditions of the Stipulated Judgment.

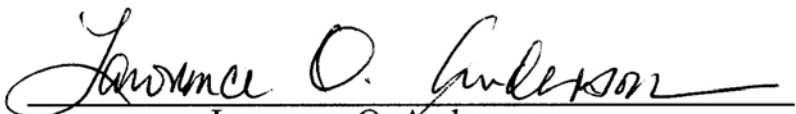
13 The Court expresses its gratitude to both Trustees’ counsel for promptly
14 responding to the Court’s February 7, 2011 OSC in order that this action may be promptly
15 closed.

16 There being no objection to the Court’s entry of an order lifting or vacating the
17 stay of this District Court action, executing and entering the Stipulated Judgment, and good
18 cause appearing,

19 **IT IS ORDERED** that the stay of this action, entered herein on April 7, 2010,
20 doc. 9, is hereby **VACATED**.

21 **IT IS FURTHER ORDERED** that the Joint Motion to Approve Stipulated
22 Final Judgment, doc. 21, is **GRANTED**. The Clerk of Court is kindly directed to enter the
23 separate Stipulated Judgment and terminate this case.

24 DATED this 16th day of February, 2011.

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27 Lawrence O. Anderson
28 United States Magistrate Judge

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