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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Spirit Master Funding III LLC,

No. CV 12-02270-PHX-FJM

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Plaintiff,

ORDER

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vs.

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J Philip Cornett; James E. Cornett, III,

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Defendants.

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On October 29, 2013, we entered our order giving plaintiff until December 30, 2013 to advise whether the bankruptcy stay had been lifted, or its motion to lift the stay had not yet been ruled on by the bankruptcy court. (Doc. 29). This was to give the parties an opportunity to decide whether they would litigate this case here in the district court, or in the bankruptcy court. We advised the parties that we would not allow this case to languish on our docket.

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December 30th has come and gone and the docket indicates that nothing has been filed to give us such advice. Accordingly, pursuant to our Order of Oct. 29, 2013 (doc. 29), it is ORDERED dismissing this action against both defendants without prejudice.

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DATED this 7th day of January, 2014.

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Frederick J. Martone

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Frederick J. Martone

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Senior United States District Judge