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6	IN THE UNITED STATES DISTRICT COURT	
7	FOR THE DISTRICT OF ARIZONA	
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10	Alice Rybolt,	
11	Plaintiff,	No. CV-07-8009-PCT-PGR
12	Mario Terrance Valella, et al.,	<u>ORDER</u>
13	Defendants.	
14		

Due to the death of Alice Rybolt, the statutory plaintiff in this wrongful death action, on May 18, 2008, the Court entered an order on August 11, 2008 (doc. #40) that in part set a deadline of September 15, 2008 for a new statutory plaintiff to file an appearance in this action.<sup>1</sup> The order stated that this action would be dismissed for lack of prosecution if no new statutory plaintiff made a timely appearance. A review of the record establishes that no such appearance has been made to date. Since this action cannot proceed without a statutory plaintiff,

IT IS ORDERED that this action is dismissed for lack of prosecution pursuant to Fed.R.Civ.P. 41(b). The Clerk of the Court shall enter judgment for

A copy of the order was mailed to the two known potential replacement statutory plaintiffs, Eli Geschwentener and Michelle Prunty, who are the adult children of the decedent.

the defendants accordingly.

IT IS FURTHER ORDERED that the Clerk of the Court shall mail a copy of this Order and the resulting Judgment to Eli Geschwentener, 257 East Beck Lane, Phoenix, AZ 85022, and to Michelle Prunty, 3939 165<sup>th</sup> Place NE, Apt. A182, Redmond, WA 98052.

DATED this 1<sup>st</sup> day of October, 2008.

Paul G. Rosenblatt United States District Judge