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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Gary F. Lowry, et al.,

10 Plaintiffs,

11 v.

12 JPMorgan Chase Bank NA, et al.,

13 Defendants.  
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No. CV-11-08177-PCT-JAT

**ORDER**

15 Pending before the Court is Defendants' Motion to Quash Stay (Doc. 69). The  
16 Court previously entered a stay in this case pursuant to the parties' stipulation, subject to  
17 the imposition of an appropriate bond. The parties disputed the appropriate amount of any  
18 bond, and the Court ultimately set a bond of \$2,000 per month, with the first payment due  
19 by 8:15 A.M. on May 14, 2015. More than twelve days after this deadline, Plaintiffs have  
20 still failed to post this bond.

21 Plaintiffs' arguments against quashing the stay amount to little more than a  
22 repetition of their previous arguments in this case. The Court has previously addressed  
23 these arguments, and will not do so again. *See* (Doc. 71). Plaintiffs raise two new  
24 arguments: First, they have apparently filed a new lawsuit in state court against  
25 Defendants, presumably in an effort to convince that court to issue a preliminary  
26 injunction. (Doc. 70 at 2). This fact is of no relevance to the pending motion in the  
27 present case, except that it further undermines Plaintiffs' claim of good faith with respect  
28 to the bond. *See* (Doc. 71 at 2:28-3:3). Second, Plaintiffs state that they have requested

1 Defendants review their loan modification options “with the goal of a new modification  
2 application.” (Doc. 70 at 4). Because Plaintiffs have declared their indigence, it is unclear  
3 how any loan modification is a viable resolution to this case. Regardless, Plaintiffs offer  
4 no explanation for how their modification application permits them to evade their  
5 obligation to post a bond.

6 The Court will quash the stay. Defendants may proceed with a trustee’s sale and  
7 foreclosure of Plaintiffs’ residence.

8 For the foregoing reasons,

9 **IT IS ORDERED** granting Defendants’ Motion to Quash Stay (Doc. 69).

10 **IT IS ORDERED** that the stay entered on April 23, 2015 (Doc. 58) and made  
11 subject to the posting of a bond (Doc. 62) is vacated.

12 **IT IS FURTHER ORDERED** that Defendants may proceed with a trustee’s sale  
13 and foreclosure of Plaintiffs’ residence in accordance with all applicable laws.

14 Dated this 27th day of May, 2015.

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20 James A. Teilborg  
21 Senior United States District Judge  
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