

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
BATESVILLE DIVISION**

WEGGELAND DEVELOPMENT GROUP, LTD

PLAINTIFF

v.

CASE NO. 1:09-CV-00018 BSM

**FEDERAL DEPOSIT INSURANCE CORPORATION
AS RECEIVER FOR INDYMAC BANK, F.S.B.; and
FEDERAL DEPOSIT INSURANCE CORPORATION
AS CONSERVATOR FOR INDYMAC FEDERAL BANK,
F.S.B.**

DEFENDANTS

ORDER

Before the court is the motion for summary judgment filed by defendants Federal Deposit Insurance Corporation as Receiver for IndyMac Bank F.S.B. (“FDIC-R”), and the Federal Deposit Insurance Corporation as Conservator for IndyMac Federal Bank, F.S.B. (“FDIC-C”). FDIC-R and FDIC-C assert that plaintiff Weggeland Development Group, LTD (“Weggeland”) failed to exhaust the claims process set forth in the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (“FIRREA”), specifically 12 U.S.C. § 1821(d)(3)-(20), and thus, the court does not have jurisdiction to hear these claims. In response, Weggeland concedes that summary judgment is appropriate, subject to the reservation of its right to reinstitute proceedings in this court should adequate relief not be gained through the administrative claims process. Thus, summary judgment is granted.

Accordingly, defendants’ motion for summary judgment (Doc. No. 8) is granted. The amended complaint is dismissed without prejudice.

IT IS SO ORDERED this 4th day of August, 2009.

Brian S. Miller
UNITED STATES DISTRICT JUDGE