

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

FIDELITY & DEPOSIT COMPANY
OF MARYLAND

Plaintiff

VS.

SOUTHEAST BUILDING CONCEPTS,
INC. and PEGGY VICKERS

Defendants

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NO: 4:08CV02591 SWW

ORDER

On September 16, 2008, Plaintiff Fidelity & Deposit Company of Maryland commenced this breach of contract action against Defendants Southeast Building Concepts, Inc. and Peggy Vickers pursuant to the Court’s diversity jurisdiction. Plaintiff’s counsel notified the Court that on September 30, 2008, separate defendant Peggy Vickers filed a voluntary petition for bankruptcy in the United States Bankruptcy Court of the Eastern District of Arkansas, pursuant to Chapter 7 of the Bankruptcy Code. By operation of 11 U.S.C. § 362, an automatic stay went into effect on September 30, 2008 with respect to proceedings in this case against separate defendant Peggy Vickers. Accordingly, by order entered October 28, 2008, the Court administratively terminated separate defendant Peggy Vickers as a party to this action, without prejudice to Plaintiff’s right to reopen the proceedings against separate defendant Vickers. Also on October 28, 2008, pursuant to Plaintiff’s request, the Clerk entered default against separate

defendant Southeast Building Concepts, Inc. in accordance with Rule 55(a) of the Federal Rules of Civil Procedure.

The case has remained pending with no activity since October 28, 2008. Plaintiff is directed to file a status report within fourteen (14) days from the entry of this order stating any reason why this case should not be dismissed.

IT IS SO ORDERED THIS 29TH DAY OF DECEMBER, 2011.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE