

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISIONDDR MDT FAYETTEVILLE SPRING
CREEK, LLC

PLAINTIFF

vs.

Case No. 08-5209

FEDERAL DEPOSIT INSURANCE
CORPORATION, as Receiver for
ANB Financial, N.A.

DEFENDANT

O R D E R

This case was removed from the Circuit Court of Washington County, Arkansas, to this Court on September 23, 2008. At the time of removal, there was in effect a state-court order staying the action "up to and including the earlier of: (a) 180 days from the date of plaintiff's filing a claim with the FDIC as Receiver for ANB Financial, N.A.; or (b) 10 days from the date the FDIC as Receiver for ANB Financial, N.A. has tendered a final written determination upon the plaintiff's claim."

In accordance with the state-court order, this action is hereby stayed pending the plaintiff's exhaustion of its administrative remedies. The initial scheduling order previously issued by the Court is, therefore, vacated. When the stay expires under the terms set out in the state-court order, plaintiff's counsel is directed to file a motion to re-open this action and to set out in the motion whether it intends to proceed with this action or whether it successfully litigated its claim at the administrative level. If plaintiff does intend to proceed with this action, a new scheduling order will then issue.

IT IS SO ORDERED this 26th day of September, 2008.

/S/JIMM LARRY HENDREN
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE