

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PANAMA CITY DIVISION**

**RED MOUNTAIN BANK, N.A.,**

**Plaintiff,**

**vs.**

**CASE NO. 5:10-cv-104/RS-EMT**

**TOP SHELF STORAGE II, LLC,  
and LEE A. SAGE,**

**Defendants.**

---

**ORDER**

Based on the paragraph fourteen of the Plaintiff's Response to my Show Cause Order (Doc. 57), Counts III and IV of the Complaint (Doc. 2) are dismissed.

The Amended Pretrial Order (Doc. 37) is vacated.

**ORDERED** on January 26, 2011

/S/ Richard Smoak  
**RICHARD SMOAK**  
**UNITED STATES DISTRICT JUDGE**