

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

Silverton Mortgage Specialists, Inc.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION NO.
	:	1:09-cv-01583-JOF
Silverton Financial Services, Inc., et al.,	:	
	:	
Defendants.	:	
	:	

OPINION & ORDER

This matter is before the court on Defendant’s motion to substitute party Federal Deposit Insurance Corporation as Receiver for Silverton Bank, N.A. [7] and the Federal Deposit Insurance Corporation’s motion to stay [8].

Plaintiff, Silverton Mortgage Specialists, Inc., filed suit against Defendants Silverton Bank, N.A., Silverton Financial Services, Inc., Silverton Capital Corporation, and Silverton Bridge Bank, N.A., on June 12, 2009.

On July 13, 2009, the Federal Deposit Insurance Corporation as the duly appointed Receiver for Defendant Silverton Bank, N.A. filed the instant motion to substitute the FDIC as a Defendant in the matter pursuant to Federal Rule of Civil Procedure 25(c). The FDIC

also filed a motion to stay proceedings as to all parties pending exhaustion of administrative remedies.

However, on July 30, 2009, Plaintiff Silverton Mortgage filed a Notice of Voluntary Dismissal as to Defendant Silverton Bank, N.A. and the Clerk of the Court approved that dismissal on July 31, 2009. Plaintiff Silverton Mortgage asks that the court deny the FDIC's motions as moot as Plaintiff has dismissed Defendant Silverton Bank, N.A. from its complaint. Neither Defendant Silverton Bank, N.A. nor the FDIC has filed an opposition to Plaintiff's request to deny the motions as moot.

As Defendant Silverton Bank, N.A. is no longer a Defendant in this lawsuit, the court DENIES AS MOOT Defendant's motion to substitute party Federal Deposit Insurance Corporation as Receiver for Silverton Bank, N.A. [7] and DENIES AS MOOT Federal Deposit Insurance Corporation's motion to stay [8].

IT IS SO ORDERED this 1st day of December 2009.

/s/ J. Owen Forrester
J. OWEN FORRESTER
SENIOR UNITED STATES DISTRICT JUDGE