

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

REVELSTOKE CUSTOM HOMES,
LLC, an Idaho limited liability company,

Plaintiff,

v.

TIM FARRELL and NANCY
FARRELL, husband and wife; UNITED
STATES OF AMERICA, acting through
the Rural Housing Service, an agency of
the United States Department of Interior;
HIGH MARK HEATING AND
COOLING, LLC, an Idaho limited,
liability company; BONNER
CONCRETE PRODUCTS, INC., an
Idaho corporations; DAVID W.
BUTTERFIELD, an individual;
INTERSTATE CONCRETE AND
ASPHALT COMPANY, an Idaho
corporation; STOCK BUILDING
SUPPLY, LLC, a Utah limited liability
company; EXCELL INSULATION,
INC., an Idaho corporation; DECRA
ROOFING & SEAMLESS
RAINGUTTERS, INC., an Idaho
corporation; and TODD GARRETT
JANSSEN, an individual doing business
as Three Amigos,

Defendants.

Case No. 2:10-cv-00599-BLW

ORDER

On November 18, 2011, the Court entered and Order granting counsel's motion to

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withdraw as counsel of record for Plaintiff Revelstoke Custom Homes, LLC. In that Order, the Court explained that withdrawing counsel shall forthwith and with due diligence serve all other parties and either personally serve copies of the Order upon Plaintiffs or mail the Order by first class mail, return receipt requested. Counsel complied with that Order and filed a proof of service with the Court on November 18, 2011.

The Court also explained that Plaintiffs would have twenty-one (21) days from the filing of the proof of service by the withdrawing attorney to file written notice with the Court stating how and by whom it would be represented. The Court stated that if Plaintiffs failed to appear in this action through a newly appointed attorney within that twenty-one (21) day period, such failure shall be grounds for dismissal of Plaintiffs' claims with prejudice without further notice. The twenty-one (21) day period has expired, and Plaintiffs have not made an appearance. Accordingly, the Court will dismiss Plaintiffs' claims with prejudice.

The Court will also set this case for an informal status conference with the remaining parties (all parties except Revelstoke). The conference will be for the purpose of discussing whether and how this case should proceed. It seems that, at the very least, the case should be remanded to state court because Revelstoke's claims against the United States government have been dismissed. However, the Court would like to discuss that matter with counsel before proceeding.

ORDER

IT IS ORDERED:

1. Plaintiff's claims are **DISMISSED WITH PREJUDICE**.
2. The United States of America's Motion for Summary Judgment (Dkt. 40) is **DEEMED MOOT**. The hearing on the motion scheduled for January 10, 2012 is **VACATED**.
3. The Court shall conduct an informal telephone status conference with the remaining parties (all parties except Revelstoke) on **January 5, 2012, at 3:00 p.m. Mountain Time**. The Court requests that counsel for the Farrells be responsible for setting up the call. Counsel may either initiate the conference call or provide all parties and the Court with a dial-in conference call number.



DATED: **December 16, 2011**

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. LYNN WINMILL
Chief U.S. District Court Judge