

THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:11cv248

AMERICA'S LIVING CENTERS-WNC,)
LLC,)
)
Plaintiff,)
)
vs.)
)
HELEN CHRISTY YARBOROUGH,)
et al.,)
)
Defendants.)
_____)

ORDER

THIS MATTER is before the Court on the Report of the Mediator [Doc. 19].

The mediator advises that this case has been settled as to all parties, with the exception of Defendant Helen Christy Yarborough. [Doc. 19]. The Court will allow the parties thirty (30) days to file a stipulation of dismissal as to these settled claims.

With respect to Defendant Yarborough, the Court notes that an entry of default has been made against her with respect to the Plaintiff's claims. [Doc. 16]. The Plaintiff, however, has not sought a default judgment against Defendant Yarborough. The FDIC has moved for entry of default against Defendant Yarborough with respect to its crossclaim [see Doc. 18], but it has

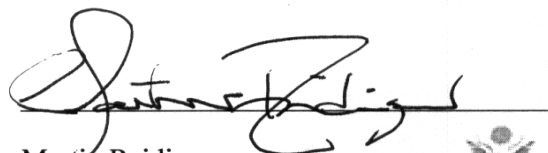
yet to submit a proposed order to the Clerk as requested. Additionally, Defendant Jarret has asserted a crossclaim against Defendant Yarborough but has taken no steps to seek the entry of default against her on this crossclaim. The Court will allow the parties an additional thirty (30) days to file motions or take other appropriate action with respect to these claims or risk their dismissal for failure to prosecute.

IT IS, THEREFORE, ORDERED that the parties shall file a stipulation of dismissal as to all settled claims within thirty (30) days of the entry of this Order.

IT IS FURTHER ORDERED that the Defendants who have asserted crossclaims against Defendant Yarborough shall file motions or take other appropriate action with respect to such claims within thirty (30) days of this Order or risk dismissal of their claims for failure to prosecute.

IT IS SO ORDERED.

Signed: April 24, 2012


Martin Reidinger
United States District Judge 