

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:08-CV-344-DCK**

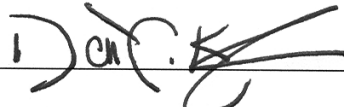
<b>WESTERN SURETY COMPANY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b><u>ORDER</u></b>
	)	
<b>SUPERIOR CONSTRUCTION</b>	)	
<b>CORPORATION; BASIC ELECTRIC CO.,</b>	)	
<b>INC.; C. STEVE CLARDY; THOMAS E.</b>	)	
<b>MILLER and PAMELA P. MILLER,</b>	)	
	)	
<b>Defendants.</b>	)	

**THIS MATTER IS BEFORE THE COURT** on the “Motion for Summary Judgment” (Document No. 30) filed by Western Surety Company (“Plaintiff”). After granting several extensions of time for Defendants to respond, the parties notified chambers of the undersigned on October 14, 2009, that they had reached a settlement and would be filing a Stipulation of Dismissal. In light of the pending voluntary dismissal, the pending motion for summary judgment need not be considered on the merits at this time.<sup>1</sup>

**IT IS, THEREFORE, ORDERED** that Plaintiff’s “Motion for Summary Judgment” (Document No. 30) is **DENIED without prejudice**.

**IT IS SO ORDERED.**

Signed: December 1, 2009

  
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 David C. Keesler  
 United States Magistrate Judge




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<sup>1</sup>In the unlikely event that settlement fails, Plaintiff would of course be permitted to refile its motion for summary judgment.