

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
CIVIL DOCKET NO.: 5:10CV173-RLV**

MATTHEW J. LACEY and)
MELISSA A. LACEY,)
a/k/a MELISSA A. HEINZE,)
a/k/a MELISSA A. SMITH,)
Plaintiffs,)

v.)

ORDER

EMC MORTGAGE CORPORATION,)
a Delaware Corporation, BANK OF AMERICA,)
NATIONAL ASSOCIATION, as successor by)
Merger to LaSalle Bank National Association,)
as Trustee for certificate holders of Bear)
Stearns Asset Backed Securities, Inc., Asset)
Backed Certificates, Series 2004-1 (Holder))
DAVID A. SIMPSON, (Substitute Trustee);)
DOES 1 through 100, inclusive;)
Defendants.)

THIS MATTER is before the Court on its own motion to inquire as to the status of arbitration.

This case has been stayed since May 2011 for purposes of submitting the dispute to binding arbitration pursuant to the provisions of the Arbitration Provision, as modified by the parties (i.e., arbitrating by AAA rules but not before the AAA). (Docs. 27, 28). At that time, the parties were directed to notify the Court within 30 days of issuance of an arbitration award or other resolution of that proceeding. (Id.) There has been no filing from either party since September 2011 when the Report of Mediation indicated that mediation was unsuccessful. (Doc. 29).

IT IS, THEREFORE, ORDERED that the parties are hereby directed to file a Status Report **on or before Monday, May 20, 2013.**

Signed: May 3, 2013

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line underneath it.

Richard L. Voorhees
United States District Judge

