

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA**

Red-D-Arc, Inc., a Nevada corporation,)
)
Plaintiff,)
)
vs.)
)
Pro Tank Products, Inc., a North Dakota)
corporation,)
)
Defendant.)

ORDER

Case No. 1:17-cv-072

Plaintiff initiated the above-entitled action by complaint on April 7, 2017. (Doc. No. 1). Asserting that defendant had defaulted on the parties lease agreement for certain welding equipment, plaintiff sought to recover the equipment and back lease payments.

A summons was issued on April 7, 2017. (Doc. No. 2). It was returned executed on May 9, 2017. (Doc. No. 3).

Defendant did not file an answer or otherwise respond to plaintiff’s complaint. On December 20, 2017, plaintiff filed a Motion for Entry of Default. (Doc. No. 4). On December 21, 2017, the Clerk entered default against defendant. (Doc. No. 7).

On April 19, 2020, court issued an order directing plaintiff to file a status report within 30. (Doc. No. 9). On May 20, 2019, plaintiff filed its report, advising in relevant part that: (1) defendant filed for Chapter 11 bankruptcy in the District of Montana in December 2017 that had resulted in an automatic stay on plaintiff’s litigation; and (2) the bankruptcy court had issued an order in April 2019 modifying the stay to permit plaintiff to retake its property and pursue payment from defendant’s insurer.

More than a year has passed since plaintiff filed its last report. Accordingly, plaintiff shall

file another report by August 3, 2020, updating the court on the status of this matter and otherwise advising how it wishes to proceed.

IT IS SO ORDERED.

Dated this 30th day of June, 2020.

/s/ Clare R. Hochhalter
Clare R. Hochhalter, Magistrate Judge
United States District Court