

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

WELLS FARGO BANK, N.A., etc.,

Plaintiff, : Case No. 3:07-cv-449

-vs-

Magistrate Judge Michael R. Merz

LaSALLE BANK NATIONAL
ASSOCIATION,

Defendant.

ORDER VACATING NOTATION ORDER AND RESTORING MOTION TO DOCKET

On January 14, 2009, Plaintiff filed its Motion for an Order that Defendant Show Cause Why It Should Not Be Held in Contempt of Court for Violation of the Court's December 22, 2008 and July 14, 2008 Order and for Sanctions (Doc. No. 78). On April 14, 2009, the Court entered a Notation Order "finding as moot [Doc. No. 78] in light of the filing of Corrected Motion." Without reading carefully enough, the Court apparently believed that Plaintiff's Amended Motion for Order to Show Cause (Doc. No. 115) replaced both Doc. No. 78 and Doc. No. 114. On July 8, 2009, Plaintiff's counsel advised the Court's Judicial Assistant that Doc. No. 115 replaces only Doc. No. 114 and therefore Doc. No. 78 is not moot.

It is accordingly ORDERED that the Notation Order of April 14, 2009, be, and it hereby is, vacated and the Clerk is ordered to restore it to the active Motions List.

For the sake of completeness, the Court hereby advises counsel for all parties that the Motions List generated by the CM/ECF system shows as pending the following matters: Doc. Nos. 78, 115, 117, 118, 119, 145, and 155. Counsel shall advise the Court as promptly as possible if they

believe any other motions are pending, whether or not the motion is ripe for decision.

July 8, 2009.

s/ **Michael R. Merz**

United States Magistrate Judge