

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

CITY OF DAYTON,	:	Case No. 3:11-cv-383
Plaintiff,		Magistrate Judge Michael J. Newman (Consent Case)
-vs-	:	
A.R. ENVIRONMENTAL, INC., <i>et al.</i> ,		
Defendants.	:	

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**ORDER TO PLAINTIFF**

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In light of the Court’s recent Order entering a default judgment and damages against Defendant A.R. Environmental, Inc., Plaintiff is **ORDERED** to advise the Court, within **10 (ten) days** of this Order, whether it intends to proceed in this litigation against Defendant Alex Penland, or intends to move to voluntarily dismiss its claims against Mr. Penland.

**IT IS SO ORDERED.**

October 29, 2012

s/ **Michael J. Newman**  
United States Magistrate Judge