

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JAMES DERRICK SIMPSON, )  
ANTHONY SOBCZAK, AND )  
DONNA SOBCZAK, )  
Plaintiffs, )  
v. )  
T H R & ASSOCIATES, INC., )  
Defendant. )

No. 3:12-CV-00447  
JURY DEMAND  
JUDGE HAYNES  
MAGISTRATE JUDGE BRYANT

*ORDER*  
*Based upon the*  
*related bankruptcy*  
*proceedings and the*  
*lack of any*  
*opposition,*  
*THE COURT IS*  
*GRANTED. A*  
*status*  
*conference*

MOTION TO SET ASIDE THE ORDER OF DISMISSAL

COMES NOW the Plaintiffs, James Derrick Simpsons, Anthony Sobczak and Donna Sobczak, by and through undersigned counsel and respectfully request this Honorable Court set aside the Order of Dismissal entered by this Court under Fed. R. Civ. P. 41(b) and Local Rule 41.01 on August 5, 2013, Document No. 21.

*to set for*  
*March*  
*21, 2014*  
*at 2:00*  
*pm.*  
*Will [Signature]*  
*2-21-14*

Counsel submits that this action was filed on May 3, 2012 and while an attorney for the Defendant appeared via telephone for the initial case management hearing, no responsive pleading was filed by the Defendant and the Defendant filed for bankruptcy protection soon after the initial case conference. An automatic stay was issued on September 9, 2012 by the United States Bankruptcy Court, Central District of Illinois. The Plaintiffs filed a notice with this Court on October 10, 2012 that the Defendant in this case was in bankruptcy and thought the filings included that that the matter was stayed per the Central District of Illinois order. See, Document No. 18. Based on the Plaintiff receiving notice from the bankruptcy court that the matter was stayed and filing the same with this Court, counsel for Plaintiffs believed that the current matter was also