

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

PHILIP J. MONTOYA, *et al.*,

Plaintiffs,

v.

FINANCIAL FEDERAL CREDIT INC.,

Defendant.

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CIVIL ACTION H-12-1645


FINAL JUDGMENT

Pending before the court is defendant Financial Federal Credit Inc.’s (the “defendant”) motion to close case. Dkt. 52. On November 26, 2012, the court dismissed the claims asserted by Vicki and William Doak and Doak Transport, Inc. (collectively, the “Doaks”) against defendant for lack of standing. Dkt. 51 at 4–5. The court held that the Doaks’ claims “reside with the [bankruptcy] trustee, Philip J. Montoya, and the Doaks lack standing to prosecute the amended complaint.” *Id.* at 5. Accordingly, the court dismissed the Doaks’ claims without prejudice. *Id.* at 6.

On December 20, 2012, the defendant informed the court that the trustee has not appeared in his own capacity in this suit and that the Doaks’ counsel does not represent the trustee. Dkt. 52 at 2. Therefore, the defendant’s motion to close case (Dkt. 52) is GRANTED. All of the pending claims in this case have been DISMISSED WITHOUT PREJUDICE, and this case is CLOSED.

This is a FINAL JUDGMENT.

Signed at Houston, Texas on January 7, 2013.



Gray H. Miller
United States District Judge