IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

W & L VENTURES, INC., *et al.*,	§	
	§	
Plaintiffs,	§	
	§	
VS.	§	CIVIL ACTION NO. H-13-0754
	§	
EAST WEST BANK,	§	
	§	
Defendant.	§	

ORDER

On August 1, 2014, this court entered an order granting East West Bank's motion to expunge the *lis pendens* that the plaintiffs placed on its properties. (Docket Entry Nos. 44, 45). On August 11, 2014, the plaintiffs filed an emergency motion to stay that order. (Docket Entry No. 46). On August 15, 2014, East West Bank responded.
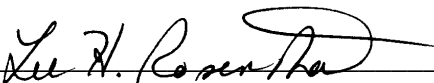
After considering the motion, response, record, and applicable law, the court concludes that the plaintiffs have failed to meet the standards required to stay the order. *Arnold v. Garlock, Inc.*, 278 F.3d 426, 439–42 (5th Cir. 2001). For the reasons stated in this court's Memorandum and Opinion dismissing the real property claims with prejudice, plaintiffs have not shown a substantial likelihood of success on the real property claims. In addition, East West Bank will be harmed pending the outcome of the appeal if a *lis pendens* remains on the property. Finally, the public interest is not served by locking up the sale and use of real property pending an appeal that is unlikely to succeed. The court finds that the documents that have been filed in the county registers are appropriate. The court denies plaintiffs' motion for a stay of the order expunging the *lis pendens*. (Docket Entry No. 46).

The parties have filed a joint and unopposed motion to dismiss all remaining claims with prejudice. The court has granted that motion. (Docket Entry No. 48).

East West Bank has filed an opposed entry of final judgment. Because the court has dismissed all claims with prejudice and denied the motion for a stay pending appeal, the court grants the motion for entry of final judgment. (Docket Entry No. 49).

Final judgment will issue under separate order.

SIGNED on August 18, 2014, at Houston, Texas.

Lee H. Rosenthal
United States District Judge