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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

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ELENA ML. DEL CAMPO, LOIS ARTZ, and  
CHARLES SCHWAB & ASSOC.,

Plaintiffs,

v.

AMERICAN CORRECTIVE COUNSELING  
SERVICES, DON R. MEALING and BRUCE  
D. RAYE,,

Defendants.

MEMORANDUM DECISION AND ORDER  
DENYING WITHOUT PREJUDICE  
MOTIONS AND ADMINISTRATIVELY  
CLOSING CASE

Case No. 2:11-mc-744 CW BCW

District Judge Clark Waddoups

Magistrate Judge Brooke Wells

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This is a miscellaneous action for the enforcement of a subpoena issued out of this Court. The subpoena sought fact discovery related to a matter pending in the United States District Court for the Northern District of California.<sup>1</sup> This case was originally referred to Magistrate Judge Samuel Alba pursuant to 28 U.S.C. 636(b)(1)(A). Following Judge Alba's retirement, the case was then reassigned to the undersigned pursuant to the same referral.

On August 3, 2012, the Court issued an Order to Show Cause directing the parties to provide an update on the status of the case and intentions to proceed.<sup>2</sup> As noted by the parties in their responses,<sup>3</sup> the deadline to conduct discovery in the underlying case in California expired on December 12, 2011. In addition, the Plaintiffs moved for a stay in the underlying action that has been granted. Therefore, any proceedings in this Court would likely violate the current stay order in the underlying action.

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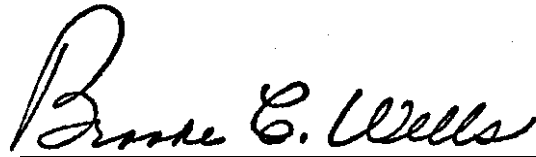
<sup>1</sup> That case is captioned as *Elena del Campo, et al. v. American Corrective Counseling Services, Inc., et al.*, No. C01-21151 JW.

<sup>2</sup> Docket no. 48.

<sup>3</sup> Docket nos. 53, 54, 55 and 56. These include a response from non-party movant Mary Mealing.

Accordingly, based upon the parties' representations and the current status of the underlying case in California, the Court DENIES WITHOUT PREJUDICE the pending motions<sup>4</sup> and ORDERS that this case be ADMINISTRATIVELY CLOSED. If necessary the parties may reopen this case upon motion to Court and then renew any pertinent motions.

DATED this 6 September 2012.

A handwritten signature in black ink that reads "Brooke C. Wells". The signature is written in a cursive style with a large initial 'B'.

Brooke C. Wells  
United States Magistrate Judge

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<sup>4</sup> Docket nos. 1, 2, 8, 25 and 29.