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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Richardo Barba, et al.

Plaintiffs,

vs.

Seung Heun Lee, et al.

Defendants.

No. CV09-1115-PHX-SRB

**ORDER**

On March 12, 2012 Defendants Seung Heun Lee and Journg Sook Lee (Defendants) filed a Motion to Dismiss Plaintiffs Harrelson, Mar, Liza Miller, Nina Miller, Morehouse, Nevin, Romero, Rosado and Simonson for Failure to Prosecute (Doc. 438). Defendant CGI, Inc. filed a Joinder to Defendants' Motion to Dismiss on March 20, 2012. On March 29, 2012 Stipulations to Dismiss were filed as to Plaintiffs Liza Miller, Nina Miller, Nevin and Romero. These Plaintiffs were dismissed on April 2, 2012. On March 13, 2012, this Court issued an Order (Doc. 443) advising Plaintiffs that their response to Defendants' Motion to Dismiss was due no later than March 29, 2011 and the consequences if they failed to respond. The Court warned Plaintiffs that "Defendants' Motion will be summarily granted if Plaintiffs fail to respond in accordance with the provisions of this Order." Plaintiffs were also advised that "LRCiv 7.2(i) provides in part "if the opposing party does not serve and file the required answering memorandum, ...such noncompliance may be deemed a consent to

1 the denial or granting of the motion and the Court may dispose of the motion summarily.”  
2 Only Plaintiff Simonson filed a Response to Defendants' Motion to Dismiss for Failure to  
3 Prosecute.

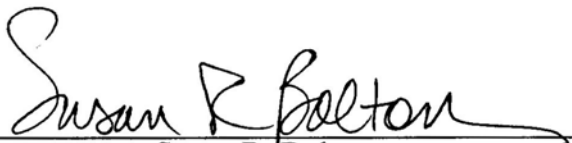
4 Pursuant LRCiv.7.2(i) and this Court's March 13, 2012 Order, the Court deems  
5 Plaintiffs Harrelson, Mar, Morehouse, and Rosado's failure to serve and file the required  
6 answering memorandum a consent to the granting of the Defendants' Motion to Dismiss for  
7 Failure to Prosecute.

8 IT IS ORDERED granting Defendants Motion to Dismiss as Plaintiffs Jessica  
9 Harrelson, Cherie Mar, Lisa Morehouse and Karina Rosado only dismissing these Plaintiffs'  
10 claims. (Doc. 438).

11 IT IS FURTHER ORDERED that the Court will rule on the Motion to Dismiss  
12 Plaintiff Simonson after the time expires for Defendants to file a reply.

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DATED this 6<sup>th</sup> day of April, 2012.

  
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Susan R. Bolton  
United States District Judge