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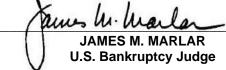
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**Dated: July 15, 2008** 



## IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF ARIZONA

In re: Chapter 11

GREGORY A. FRIEDMAN and JUDITH MERCER-FRIEDMAN, No. 4:07-bk-02\35-JMM

MEMORANDUM DECISIO

Debtor(s)

Proceedings were held on July 14, 2008 concerning moving various matters forward on the court's docket. Having reviewed the file, and considered the positions of both parties, the court now rules.

## <u> Case (Administrative File)</u>

The Debtors' bankruptcy case was filed on October 26, 2007. A plan and disclosure statement were to be filed on or before February 26, 2008 (see Dkt. #20), and this event occurred in a timely fashion (Dkt. #42 and #43), and a confirmation hearing was scheduled for May 1, 2008. At that time, the various "abeyance" issues were discussed, and the Debtors indicated that they would be filing an amended blan. On July 11, 2008, this court sua sponte noted that nothing had been filed along those Lines, and ordered that the Debtors were to file an amended plan and disclosure statement by August 10, 2008 (Dkt. #100).

Once the amended plan and disclosure statement are filed, the clerk shall notice hearings thereon.

## Adversary 08-134 (Complaint to Determine Tent of P+P's lien) and Adversary 08-115 (Nondischargeability Complaint) It is appropriate to begin moving these matters to conclusion. In that regard, all prior orders suspending the progress of these cases are vacated and withdrawn. The Clerk is directed to prepared a trial scheduling order for these two adversary proceedings. P+P's Motion for Stay Relief (Administrative File) P+P filed a stay relief motion on April 9, 2008 (Dkt #56). It is appropriate to begin moving that matter forward. It will be ordered that the Clerk is directed to set the motion for a preliminary hearing, to be held within the next 30 days. It will further be ordered that any orders holding that item in abeyance are withdrawn and terminated. **Postscript** Should matters occur in the Colorado state court which have definitive bearing on these matters, counsel should report the same to the court. **Separate Orders** Separate orders shall be entered regarding each of the matters discussed herein. DATED AND SIGNED ABOVE.

1 COPIES served as indicated below on the date signed above: 2 Scott D. Gibson Gibson, Nakamura, & Decker, PLLC 3 2941 N. Swan Rd., Suite 101 4 Tucson, AZ 85712-2343 Email: <a href="mailto:sgibson@gnglaw.com">sgibson@gnglaw.com</a> 5 Maureen P. Henry Collins, May, Potenza, Baran & Gillispie, P.C. 201 N. Central Ave., Suite 2210 6 Phoenix, AZ 85004-0022 Email: mhenry@cmpbglaw.com 7 Duncan E. Barber 8 Julie Trent Bieging Shapiro & Burrus LLP 4582 S. Ulster St., Suite 1650 Email: dbarber@bsblawyers.com Denver, CO 80237 Email: jtrent@bsblawyers.com 10 Larry Lee Watson Office of the U.S. Trustee 11 230 North First Avenue, Suite 204 inail: larry.watson@usdoj.gov 12 Phoenix, AZ 85003-1706 13 By /s/ M. B. Thompson Judicial Assistant 14 15 16 17 18 19 20 21 22 23 24 25 26 27

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