

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

**PEACH BLOSSOM DEVELOPMENT CO.,
INC.,**

Plaintiff,

v.

**THE FEDERAL DEPOSIT INSURANCE
CORPORATION as receiver of PIEDMONT
COMMUNITY BANK; and THE FEDERAL
DEPOSIT INSURANCE CORPORATION as
receiver of MOUNTAIN HERITAGE BANK,**

Defendants.

Civil Action No. 5:12-CV-394 (HL)

ORDER

This case is before the Court on The FDIC's Motion to Stay Proceedings Pending Exhaustion of Mandatory Administrative Claims Process (Doc. 26). Plaintiff has not filed a response to the motion; therefore, it is unopposed.

Upon review, the motion is granted. Because the factual claims against the two FDIC-R defendants are so closely intertwined, judicial economy is best served by staying the entire case until the administrative claims process is resolved as to Plaintiff's claim against The FDIC, as Receiver for Mountain Heritage Bank (the "FDIC-R Mountain"). This case is stayed in its entirety until the earlier of: (1) Plaintiff fails to submit a mandatory administrative claim to the FDIC-R Mountain on or before August 26, 2013 as required by law; (2) 180 days

after Plaintiff submits its claims to the FDIC-R Mountain; or (iii) 10 days after the FDIC-R Mountain serves upon Plaintiff a notice informing it of the disposition of its claims.

While addressing this case, the Court finds it necessary to make an observation. There have now been six motions filed in this case by both former and current Defendants: four motions to dismiss, one motion for summary judgment, and the motion to stay currently before the Court. Plaintiff failed to respond to all six of these motions. Counsel and Plaintiff are reminded of their obligation under Federal Rule of Civil Procedure 41(b) to prosecute the case. The Court expects Plaintiff to respond timely to the next motion filed.

SO ORDERED, this the 27th day of June, 2013.

s/Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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