

LITTLE TRAVERSE BAY
BANDS OF ODAWA INDIANS
TRIBAL COURT

ORDER OF DISMISSAL

FILE NO.

C-040-0403

Court Address: 7500 Odawa Circle, Harbor Springs, MI 49740

Phone (231) 242-1462

Plaintiff's Name and Address:

Mary Rodriguez
721 Maple Street
Petoskey, MI 49770

Michael A. Roth, Plaintiff's Attorney
Corgan & Roth
410 Petoskey Street
Petoskey, MI 49770

Defendants' Names and Addresses:

v. Gerald Chingwa, Alice Yellowbank, George Anthony,
Fred Harrington, Albert Colby, Jr., Yvonne Sandell &
Yvonne Salgat.

James Bransky, Defendants' Attorney
9393 Lake Leelanau Drive
Traverse City, MI 49684

This Court hereby enters an **ORDER OF DISMISSAL** this matter based upon the following:

- (1) The Court conducted a *Scheduling Conference* in this matter on April 29, 2004;
- (2) Plaintiff was represented by substituted counsel because Plaintiff's original attorney was granted a *Motion to Withdraw* for lack of contact and payment for services;
- (3) Substituted counsel for Plaintiff volunteered to prepare a *Scheduling Order* based upon the time frames established at that *Conference*;
- (4) Substituted counsel failed to submit the volunteered *Scheduling Order* to the Court for a signature;
- (5) Substituted counsel also failed to submit *Plaintiff's Responsive Brief* due on June 11, 2004;
- (6) Plaintiff and Plaintiff's new attorney both failed to appear at the June 25, 2004 Hearing on Defendants' *Motion For Dismissal Based Upon Affirmative Defenses* scheduled at 11:00 A.M.;
- (7) At that time, Defendants moved for dismissal of the action based upon the above-stated failures of Plaintiff to diligently pursue her claims and for failure to comply with the time frames agreed to at the April 29, 2004 *Scheduling Conference* which are a matter of the record.

WHEREFORE, IT IS ORDERED THAT this matter be dismissed with prejudice for the above-stated reasons.

10/01/04
Date

Honorable Michael Petoskey, Chief Judge

CERTIFICATE OF SERVICE

I certify that on this date a copy of this *Order of Dismissal* was served upon the parties by first-class mail to the addresses shown.

10-4-04
Date

Linda C. Harper, Court Clerk