

JEFFERSON COUNTY PLAN COMMISSION,)
 Plaintiff,)
 vs.) CAUSE NO. 39C01-0706-PL-304
 SHERRY J. CHAPO and JESSE A. CHAPO,)
 Defendants.)

ORDER

On the 9th day of April, 2009 the Plaintiff Jefferson County Plan Commission appeared by its attorney Kristen Vandewater. The Defendant Sherry J. Chapo appeared in person and by the Defendant's attorney A. Richard Blaiklock. The Court heard argument on the Motion to Dismiss for Failure to Prosecute filed by the Defendants on December 16, 2008. The matter was then taken under advisement.

This case was begun on June 12, 2007 when the Plaintiff filed its Verified Complaint for Permanent Injunction and Penalties. Thereafter, on August 23, 2007 the issues were closed by an Amended Answer filed by the Defendants. The Chronological Case Summary shows no further Court activity regarding the case until, on December 16, 2008, over one year and three months after issues were closed, the Defendants filed their Motion to Dismiss for Failure to Prosecute. On February 13, 2009 the Defendants filed a Motion for Hearing and this hearing was then set for April 9, 2009. At no time after the Motion to Dismiss was filed did the Plaintiff file anything.

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 ORDER



A Trial Rule 41(E) motion may be made by either party or by the Court when no action has been taken for a period of sixty (60) days. A hearing is required. "The Court, shall enter an order of dismissal at Plaintiff's costs if the Plaintiff shall not show sufficient cause at or before such hearing." None was here provided.

IT IS THEREFORE CONSIDERED, ORDERED, AND ADJUDGED by the Court that this case is dismissed with prejudice.

DATED this 4th day of May, 2009.



TED R. TODD, JUDGE
JEFFERSON CIRCUIT COURT

Distribution:

Kristen Vandewater
A. Richard M. Blaiklock