

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

PHH MORTGAGE CORPORATION,)
)
Plaintiff,)
)
vs.) Case No. 12-cv-0010-MJR-DGW
)
TREVER L. WALKER,)
TINA RENEE WALKER,)
CAPITAL ONE BANK (USA), NA,)
REGIONS BANK,)
UNITED STATES OF AMERICA,)
UNKNOWN OWNERS and)
NON-RECORD CLAIMANTS, and)
UNKNOWN OCCUPANTS,)
)
Defendants.)

ORDER REGARDING IMPENDING DISMISSAL

In December 2011, PHH Mortgage Corporation filed a mortgage foreclosure suit in the Circuit Court of Williamson County, Illinois. Named as Defendants were the mortgagors (Trevor Walker and Tina Walker) plus five other Defendants with possible interests in (or liens on) the mortgaged real estate: (1) Capital One Bank USA, NA; (2) Regions Bank; (3) United States of America; (4) Unknown Owners and Non-Record Claimants; and (5) Unknown Occupants. Served on December 27, 2011, the United States of America removed the action to this District Court on January 6, 2012.

The undersigned Judge verified subject matter jurisdiction and assigned a final pretrial conference date and firm trial date. Magistrate Judge Wilkerson entered a Scheduling Order, which imposed a September 30, 2012 discovery cutoff and a November 1, 2012 dispositive motion deadline. Those dates elapsed months ago, no extension was sought, and no motions were filed. Review of the docket sheet indicates no action by Plaintiff in the year since the case was removed here. Indeed, the record before this Court does not reflect *service* on any Defendant other than the United States.

The time for service has long passed, and if service was made on any other Defendant, Plaintiff failed to secure a clerk's entry of default following that Defendant's non-response to the complaint.

Accordingly, the Court ORDERS Plaintiff to comply with the following three steps by January 25, 2013 or this action will be dismissed for want of prosecution. First, by 1/25/13, Plaintiff must identify any unknown owners, non-record claimants and unknown occupants or seek to voluntarily dismiss them. Second, if prior to removal any Defendants were served but failed to answer or otherwise plead in response to the complaint, Plaintiff must seek a clerk's entry of default as to those Defendants by 1/25/13. Third, Plaintiff must file a **STATUS REPORT** by 1/25/13 specifying the status of this action, including whether service was effected as to each Defendant named in the complaint and whether Plaintiff is prepared to proceed to trial on March 25th, with only the USA having appeared and the deadline for any dispositive motion having expired months ago.

The undersigned Judge **REMINDS** counsel that he sets and enforces firm trial dates, rarely continues civil trials, and is unlikely to extend deadlines which expired without any extension requested. If counsel find this schedule burdensome, they are encouraged to consent to trial before the Magistrate Judge assigned to the case, the Honorable Donald G. Wilkerson. Magistrate Judges enjoy a considerably more flexible trial docket and typically can accommodate joint requests for agreed trial dates or extensions of discovery schedules. Consent forms can be found on the Court's webpage, obtained from the Clerk's Office, or provided by Courtroom Deputy Debbie DeRousse at 618-482-9298.

IT IS SO ORDERED.

DATED January 4, 2013.

s/ Michael J. Reagan
Michael J. Reagan
United States District Judge