

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FORD MOTOR CO., et al.,

Plaintiffs,

v.

Case No. 00-CV-71544-DT

GREATDOMAINS.COM, INC.,
et al.,

Defendants.

**ORDER DENYING DEFENDANTS' "MOTION TO DISMISS FOR
LACK OF PROSECUTION AND LACK OF *IN REM* JURISDICTION"**

Pending before the court is a motion by Defendants Robert Emmert, Paul Brown, Alfonso Fiero, John Hall, Radtech, and Tom Cooper (collectively "the EFF Defendants") to "Dismiss for Lack of Prosecution and Lack of *In Rem* Jurisdiction," filed on June 26, 2001. Response and reply memoranda have been submitted, and the court finds that no hearing on this matter is necessary. For the following reasons, the motion will be denied.

The EFF Defendants previously filed a separate motion to dismiss for lack of *in rem* jurisdiction. Thus, the second motion to dismiss was unnecessary from the beginning. Moreover, the court already has, in a companion order, declined to exercise *in rem* jurisdiction in this matter. Accordingly, the motion to dismiss for lack of jurisdiction will be denied as moot.

The EFF Defendants' arguments regarding Plaintiffs' failure to prosecute this matter must similarly be dismissed. The court

is not persuaded that Plaintiffs have unduly procrastinated in pursuing this matter.

Accordingly, IT IS ORDERED that the EFF Defendants' "Motion to Dismiss for Lack of Prosecution and Lack of *In Rem* Jurisdiction" is DENIED.

/s/

ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: Dec. 20, 2001