

United States Court of Appeals For the First Circuit

No. 08-2457

THREE ANGELS BROADCASTING NETWORK, INC.,
an Illinois Non-Profit Corporation, Et Al.,

Plaintiffs, Appellees,

v.

GAILON ARTHUR JOY, Et Al.,

Defendants, Appellants.

ORDER OF COURT

Entered: August 19, 2009

Defendants seek to challenge the district court's voluntary dismissal order. Subsequent to the filing of this appeal, the district court denied defendants' motion for costs as a further condition to the grant of dismissal. Defendants filed a timely motion for reconsideration of the denial of costs, which is currently pending in the district court. We hereby vacate our submission notice dated May 29, 2009, and hold this appeal in abeyance pending the disposition of the motion for reconsideration by the district court. In the event that defendants are dissatisfied with the district court's ruling on their motion for reconsideration, they should file a new timely notice of appeal.

Defendants shall file a status report every sixty days and promptly inform this court once the motion for reconsideration has been decided by the district court. Failure to file a status report may lead to dismissal of this appeal for lack of diligent prosecution. See 1st Cir. R. 3.0(b).

By the Court:

/s/ Richard Cushing Donovan, Clerk.

cc:

Gerald Duffy

Jerrie Hayes

Kristen L. Kingsbury

William Christopher Penwell

John P. Pucci

J. Lizette Richards

M. Gregory Simpson

Gailon Arthur Joy

Robert Pickle