

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

FOURTH QUARTER PROPERTIES IV, INC.)
and THOMAS ENTERPRISES, INC.)

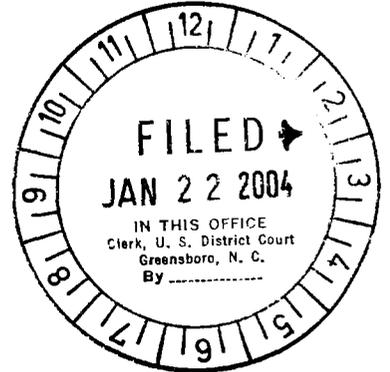
Plaintiffs,)

v.)

THE CITY OF CONCORD, NORTH)
CAROLINA; W. BRIAN HIATT; RICHARD)
K. LEWIS; JOHN W. CROSBY; and)
JOHN DOE DEFENDANTS 1 THROUGH 12)

Defendants.)

1:02CV00908



ORDER

For the reasons set forth in a contemporaneously filed Memorandum Opinion, the Defendants' Motion to Dismiss and/or Stay Plaintiffs' Amended Complaint is GRANTED IN PART. The Defendants' Motion to Dismiss the takings claim brought under 42 U.S.C. § 1983 is GRANTED. The Defendants' Motion to Stay the remaining claims pending resolution by the state courts is GRANTED. The Defendants' Motion to Dismiss Thomas as a plaintiff is not decided at this time.

This the 22 day of January, 2004.

[Handwritten Signature]
United States District Judge