

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:)	
)	Bankruptcy No. 11-11352-TPA
DIANA LYNN FANNO)	
Debtor)	
_____)	
)	
DIANA LYNN FANNO)	
)	Chapter 7
Plaintiff,)	
)	
vs.)	ADVERSARY NO. 12-1001
)	
AES/PHEAA)	
Education Credit Management Corp.)	Hearing: June 28, 2012 @ 11:00 a.m.
National Collegiate Trust)	
U.S. Department of Education and)	
John C. Melaragno, Esq. Trustee)	
Defendant(s))	

STIPULATION OF DISMISSAL

Plaintiff Diana Lynn Fanno and Defendant the United States of America, on behalf of the United States Department of Education ("Education"), by and through their respective undersigned counsel, **HEREBY STIPULATE AND AGREE** as follows, subject to the approval of the Court:

1. That plaintiff has student loans held by Education;
2. That plaintiff has submitted to Education an application for a total and permanent disability administrative discharge ("TPD");
3. That Education has received plaintiff's TPD application and is in the process of reviewing the claim to determine plaintiff's eligibility for the administrative discharge;

4. That this adversary proceeding shall be and is hereby **DISMISSED WITHOUT PREJUDICE** as to the United States of America, on behalf of Education, to allow plaintiff's TPD request to be processed by Education;

5. That, in the event that plaintiff is not granted an administrative discharge of her student loan debt because of a total and permanent disability by Education, then upon Motion by plaintiff, this adversary proceeding may be re-opened, this Order vacated, and any party may request leave to amend the pleadings, conduct discovery and supplement the record, and this matter reset for a pretrial conference; and

6. That, in light of this agreement, the hearing set for June 28, 2012 at 11:00 a.m. should be cancelled.

Respectfully submitted,

FOSTER LAW OFFICES

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ORDER

AND NOW, to wit, this ____ day of _____, 2012 it is hereby ORDERED, ADJUDGED, and DECREED that the Stipulation of Dismissal, as to defendant, United States of America, Department of Education is hereby GRANTED without prejudice.

IT IS FURTHER ORDERED that the hearing currently set for June 28, 2012 at 11:00 a.m. is HEREBY CANCELLED.

BY THE COURT,

UNITED STATES BANKRUPTCY JUDGE

