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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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IN THE MATTER OF:

No. CV 06-1586-PHX-SMM

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TFS Electronic Manufacturing Services,
Inc.,

BK-05-15403-PHX-RTV

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Debtor.

ADV. No. 06-307

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ORDER

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Avocent Corporation,

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Plaintiffs,

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vs.

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TFS Electronic Manufacturing Services,
Inc.,

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Defendant.

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Pursuant to the Stipulation entered into by Debtor/Respondent/Counter-Plaintiff/Third

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Party Plaintiff TFS Electronic Manufacturing Services, Inc. ("TFS") and Third Party

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Defendant Topsearch Printed Circuits (HK) Ltd. ("Topsearch") (dkt. 4), and good cause

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appearing,

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IT IS HEREBY ORDERED that the Stipulation is **GRANTED**. (Dkt. 4.)

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IT IS FURTHER ORDERED that Topsearch's Motion to Withdraw the Reference

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to the Bankruptcy Court is **GRANTED**. (Dkt. 2.) The reference is withdrawn from the

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1 bankruptcy court of only TFS' claim against Topsearch. The dispute between TFS and
2 Avocent remains in the bankruptcy court.

3 **IT IS FURTHER ORDERED** that within twenty (20) days from the date this Order
4 is entered, TFS shall file an Amended Complaint as plaintiff.

5 **IT IS FURTHER ORDERED** that the Clerk of Court shall amend the caption of this
6 case to properly depict TFS as plaintiff and Topsearch as defendant and to remove Avocent
7 Corporation as a party in this proceeding, and that the parties shall style all future pleadings
8 in this action in the same fashion.

9 **IT IS FURTHER ORDERED** that within twenty (20) days from the filing of TFS'
10 Amended Complaint, Topsearch shall files its Answer, including any counterclaim, setoff,
11 or other affirmative defense, or otherwise respond, without prejudice to TFS' right to object
12 on grounds other than Topsearch's right to file a responsive pleading within such twenty (20)
13 day period.

14 **IT IS FURTHER ORDERED** that TFS shall not assert that any counterclaim, setoff,
15 or other affirmative defense, or other response filed by Topsearch is a violation of the
16 automatic stay in TFS' pending bankruptcy or is a basis upon which this matter shall be
17 referred to the bankruptcy court.

18 DATED this 29th day of June, 2006.

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23 Stephen M. McNamee
24 United States District Judge
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