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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Equal Employment Opportunity)
Commission,)

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Petitioner,)

No. CIV 09-0209-PHX-RCB

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vs.)

O R D E R

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Bashas', Inc., an Arizona)
corporation,)

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Respondent.)

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Originally the court scheduled a hearing on July 27, 2009, on the Motion for Order to Show Cause by petitioner, the Equal Employment Opportunity Commission ("EEOC") (doc. 1) and on the Motion for Leave to Conduct Limited Discovery by respondent Bashas', Inc. (doc. 10). In the meantime, Bashas' filed for Chapter 11 bankruptcy. In notifying this court of that filing, Bashas' explicitly stated that it had "ceased any further action in this matter[,]" citing to the automatic stay provision of 11 U.S.C. § 362. Notice (doc. 26) at 1:18-19.

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The next day the EEOC filed a "Motion for Clarification that

1 the EEOC is Exempt from Respondent Bashas' Stay of Proceedings on
2 Bankruptcy Filing" (doc. 27). Bashas', in turn, moved for a
3 continuance of the hearing date and any related proceedings (doc.
4 29). The primary reason Bashas' sought a continuance was that at
5 that time the bankruptcy court "had not yet approved [Bashas']
6 application to retain Steptoe & Johnson LLP [("Steptoe")] as
7 counsel for the debtor Bashas' in this matter." Id. at 1:23-24.
8 Accordingly, Bashas' had "not evaluated the EEOC's Motion for
9 Clarification and [wa]s not authorized to retain legal counsel to
10 prepare a response[]" then. Id. at 1:26-27.

11 On July 23, 2009, this court granted Bashas' motion for a
12 continuance until August 31, 2009, at 10:30 a.m. Order (doc. 31).
13 The court further ordered that Bashas' shall respond to the EEOC's
14 Motion for Clarification "by no later than five court days after
15 the bankruptcy court has authorized its retention of counsel for
16 this matter." Id.

17 The court being informed that the Bankruptcy Court has not yet
18 ruled on Bashas' application to retain Steptoe & Johnson, LLP as
19 counsel for Bashas' herein, the court, sua sponte, vacates without
20 date the hearing currently scheduled for August 31, 2009. When
21 this court rules on the EEOC's "Motion for Clarification that the
22 EEOC is Exempt from Respondent Bashas' Stay of Proceedings on

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1 Bankruptcy Filing" (doc. 27), it will then reset the hearing date
2 if necessary.

3 DATED this 25th day of August, 2009.

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Robert C. Broomfield
Senior United States District Judge

Copies to counsel of record