## IN THE UNITED STATES DISTRICT COURT EASTERN DISTRICT OF ARKANSAS WESTERN DIVISION

PITONYAK MACHINERY CORPORATION

**PLAINTIFF** 

v.

4:08CV00581-WRW

CRUSTBUSTER-SPEED KING INC.

**DEFENDANT** 

## <u>ORDER</u>

Pending is Defendant's Motion to Vacate Order and Stay Proceedings (Doc. No. 14).

Plaintiff has responded (Doc. No. 15) and Defendant has replied (Doc. No. 16). Defendant's Reply states that "the dispute between the parties was resolved" and that "once the agreement of the parties is memorialized and an Order of Dismissal if filed in the District of Kansas matter, [Defendant's] pending Motion to Vacate Order and Stay Proceedings will be moot."

Defendant's Motion (Doc. No. 14) is DENIED without prejudice. Defendant may refile its Motion at a later date if necessary.

IT IS SO ORDERED this 2<sup>nd</sup> day of October, 2008.

/s/Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE