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## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNIVERSAL EQUIPMENT LEASING  
COMPANY, LLC,

Plaintiff,

v.

FIFTH THIRD LEASING CO.,

Defendant.

No. C 06-07584 JSW

**ORDER STAYING ENTIRE  
ACTION**

Now before the Court is the request by plaintiff Universal Equipment Leasing Company, LLC (“UEL”) to sever its claims against Fifth Third Leasing Company (“FTLC”) from FTLC’s third-party complaint against Cincom Systems, Inc. (“Cincom”). The Court finds that this matter is appropriate for disposition without oral argument and it is hereby deemed submitted. *See* Civ. L.R. 7-1(b). Accordingly, the hearing set for January 9, 2009 is HEREBY VACATED.

FTLC’s third-party complaint against Cincom is stayed pursuant to 11 U.S.C. § 362. Thus, the Court must determine whether the claims by UEL against FTLC may be severed from the third party complaint and proceed while the third-party complain is stayed. The Court finds that allowing UEL’s claims to proceed while FTLC’s claims are stayed would prejudice FTLC and Cincom more significantly than UEL would be prejudiced by not severing the claims. Moreover, severing these claims would waste judicial resources and the resources of the parties. Therefore, the Court concludes that UEL’s claims should not be severed and that the entire

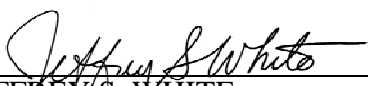
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matter shall be stayed pending the resolution of the bankruptcy proceeding in the Southern District of Ohio.

The Clerk of the Court is directed administratively to close the case for statistical purposes. The parties shall notify the Court within ten days of the lifting of the bankruptcy stay, and this entire matter shall thereafter be reopened.

**IT IS SO ORDERED.**

Dated: January 5, 2008

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE