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January 29, 2007

VIA ELECTRONIC FILING

Honorable John L. Kane
United States District Court for the District of Colorado
Alfred A. Arraj U.S. Courthouse, A838
901 19th Street
Denver, CO 80294

Re: *Chris Bray, et al. v. QFA Royalties, LLC*
Civil Action No. 06-cv-02528-JLK-CBS

Dear Judge Kane:

This office represents Plaintiffs in the above referenced matter. A forthwith hearing was conducted on December 22, 2006 and a hearing on Plaintiffs' pending *Motion For Preliminary Injunction* was scheduled for February 12-14, 2007.

On January 10, 2007 the parties filed a *Stipulated Motion to Set Discovery Schedule on Expedited Basis and Set Briefing Schedule And Extend Deadlines*. CM/ECF document #26. The Court granted that motion on the same day. CM/ECF document #27. The discovery order in place provides that Defendant shall have until 15 days following the Courts' ruling on the *Motion For Preliminary Injunction* in which to answer or provide other response to Plaintiffs' *Complaint*.

Immediately prior to jointly determining the discovery schedule, Defendant nonetheless filed a *Motion for Partial Summary Judgment* concerning to whether a Federal question exists under Plaintiffs' second claim for relief. CM/ECF document #25.

Plaintiffs believe the *Defendant's Motion for Summary Judgment* is premature. The very purpose in extending the period to respond to the complaint was to allow the parties to focus upon conducting discovery for the preliminary injunctive hearing. Defendants should not be permitted to use their greater financial resources to circumvent that purpose and cause undue burden upon the Plaintiffs as they prepare for the hearing. Nor should Plaintiffs be required to address such motions in piecemeal fashion.

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Plaintiffs respectfully request that Your Honor strike the *Motion* with leave to refile, or in the alternative, set a response date following a reasonable period after the hearing on the Preliminary Injunction is held.

Thank you for your consideration.

Sincerely,

s/ Gregory R. Stross

Gregory R. Stross

cc: L. MacPhee, Esq. (via CM/ECF)
R. Cohen, Esq. (via CM/ECF)
J. Klein, Esq. (via CM/ECF)