

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge John L. Kane

Civil Action No. **06-cv-02528-JLK**

CHRIS BRAY, et al.,

Plaintiffs,

v.

QFA ROYALTIES LLC,

Defendant.

ORDER GRANTING STAY OF PROCEEDINGS

Kane, J.

This toasted sandwich franchise dispute is before me on the Motion of Defendant QFA Royalties, LLC (“Quiznos”) to Stay Proceedings Pending Appeal (Doc. 67). I have reviewed the Joint Status Report submitted by the parties on September 9, 2007 and, in light of the purported settlement between the Plaintiffs Christopher Bray, Sabine Bray, Training Pros, Inc., and Quiznos, and given that the pendency of Quiznos’s interlocutory appeal of my May 3, 2007 decision granting preliminary injunctive relief to Plaintiffs, including each of the Plaintiffs/Plaintiff groups whose claims will remain pending after the Brays and Training Pros are dismissed, I agree with Quiznos that the most prudent approach is to STAY the present proceedings until the Tenth Circuit has ruled on the merits of the May 3 decision. I do so over the non-Bray Plaintiffs’ objections to such a stay, as set forth in the Status Report, on grounds the Tenth Circuit’s determination of the legal issues inherent in my preliminary injunction decision will edify further proceedings

on those same Plaintiffs' claims for permanent injunctive relief. Accordingly,

Defendant's Motion to Stay Proceedings Pending Appeal (Doc. 67) is GRANTED. Defendant's Motion for Partial Summary Judgment (Doc. 25), which had previously been held in abeyance pending my preliminary injunction ruling, is DENIED WITHOUT PREJUDICE to its being refiled, if appropriate, at a later date.

Dated: September 12, 2007

s/John L. Kane
SENIOR U.S. DISTRICT JUDGE