

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 08-cv-01091-PAB-KMT

CONTOUR PAK, INC., a Colorado corporation,

Plaintiff,

v.

EXPEDICE, INC., a Nebraska corporation,

Defendant.

ORDER

On August 17, 2009, defendant Expedice, Inc. informed the Court [Docket No. 132] that on August 14, 2009 it filed a petition under Chapter 11 of the United States Bankruptcy Code in the District of Nebraska [Case No. BK 09-82149]. As a result, plaintiff's claims against defendant were automatically stayed by operation of 11 U.S.C. § 362(a). In their responses to the Court's August 25, 2009 Minute Order [Docket Nos. 134 and 135], the parties agreed to the administrative closing of the case, although plaintiff objected to the proposed dismissal of pending motions. Therefore, pursuant to the Court's authority under D.C.COLO.LCivR 41.2, it is

ORDERED that this case shall be administratively closed. The case may be reopened by any party upon a showing of good cause. It is further

ORDERED that the parties shall file, either jointly or separately, a status report within 30 days of any action that serves to lift the automatic stay in force as a result of the Bankruptcy proceeding in the District of Nebraska [Case No. BK 09-82149]. The

status report shall indicate what the action was, the purported impact, and how the party or parties intend to proceed in this case. It is further

ORDERED that all pending motions in this case, including defendant's Motion for Summary Judgment on Plaintiff's Third, Sixth and Ninth Claims for Relief [Docket No. 88], plaintiff's Motion to Strike Dr. Mary Finn and William Kenedy as Expert Witnesses [Docket No. 101], plaintiff's Amended Motion for Leave to File Sur-Reply in Opposition to Defendant Expedice, Inc.'s Motion for Summary Judgment [Docket No. 107], and plaintiff's Motion for an Adverse Instruction Based upon Spoliation of Evidence [Docket No. 110], are DENIED without prejudice. If and when the case is reopened, the parties will have leave to re-file their motions, incorporating any intervening developments. It is further

ORDERED that all settings and deadlines in this case are vacated.

DATED October 22, 2009.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge