

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 March 15, 2010, defendant Expedice, Inc. filed a Suggestion of Bankruptcy [Docket No. 167], informing the Court that on March 12, 2010 it filed a petition under Chapter 7 of the United States Bankruptcy Code in the District of Nebraska [Case No. BK 10-80712]. As a result, plaintiff's claims against defendant are automatically stayed by operation of 11 U.S.C. § 362(a).

Defendant Expedice, Inc. filed a previous Suggestion of Bankruptcy on August 17, 2009 [Docket No. 132]. In response, the Court administratively closed the case and denied all pending motions without prejudice and with leave to re-file the motions after the stay was lifted. Being presented with a similar situation now, it is

ORDERED that, pursuant to the Court's authority under D.C.COLO.LCivR 41.2, 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 10-80712]. 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. 154], plaintiff's Renewed Motion for an Adverse Instruction Based Upon Spoliation of Evidence [Docket No. 156], plaintiff's Renewed Motion to Strike Dr. Mary Finn and William Kenedy as Expert Witnesses [Docket No. 157], and plaintiff's Renewed Motion for Leave to File Sur-Reply in Opposition to Defendant's Motion for Summary Judgment [Docket No. 164] 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, including the motion hearing set for April 28, 2010 at 8:30 a.m., the trial preparation conference set for June 11, 2010 at 3:30 p.m., and the jury trial set for June 28, 2010 at 8:00 a.m. are VACATED.

DATED April 16, 2010.

BY THE COURT:

s/Philip A. Brimmer

PHILIP A. BRIMMER

United States District Judge