

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Action No. 09-cv-01364-REB-BNB

DILLON COMPANIES, INC., d/b/a KING SOOPERS, INC.,

Plaintiff,
v.

UNITED FOOD AND COMMERCIAL WORKERS UNION LOCAL NO. 7; ALL THOSE
ACTING IN CONCERT WITH LOCAL NO. 7; and DOES 1-_____

Defendants.

ORDER DENYING MOTIONS WITHOUT PREJUDICE

Blackburn, J.

This matter is before me on (1) the plaintiff's **Motion To Issue Order To Show Cause Why Contempt Judgment and Sanctions Should Not Issue** [#28]¹ filed August 24, 2009; and (2) the plaintiff's **Motion To Modify Preliminary Injunction** [#32] filed August 25, 2009. I deny both motions without prejudice.

The parties' most recent **Joint Status Report** [#45] filed February 19, 2010, indicates that the larger labor and management issues between the parties have been resolved. The parties indicate also that they have commenced efforts to resolve the other outstanding disputes between the parties, including the grievances that are the basis for the plaintiff's claims in this case. Given these circumstances, I conclude that the two motions listed above should be denied without prejudice. Should the parties be unsuccessful in their efforts to resolve this dispute, then the plaintiff may re-file their motions and the court will resolve them.

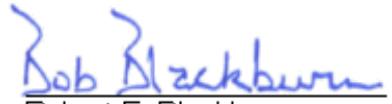
¹ "[#28]" is an example of the convention I use to identify the docket number assigned to a specific paper by the court's case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

THEREFORE, IT IS ORDERED as follows:

1. That the plaintiff's **Motion To Issue Order To Show Cause Why Contempt Judgment and Sanctions Should Not Issue** [#28] filed August 24, 2009, is **DENIED** without prejudice; and
2. That the plaintiff's **Motion To Modify Preliminary Injunction** [#32] filed August 25, 2009, is **DENIED** without prejudice.

Dated March 10, 2010, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge