

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

Civil Action No. 09-cv-01750-REB-BNB

NORTHWEST DIRECT TELESERVICES, INC.,

Plaintiffs,

v.

TOUCHSTAR SOFTWARE CORPORATION,
KAYNE ANDERSON INVESTMENT MANAGEMENT, INC.,
ADAM MICHELIN,

Defendants.

ORDER REQUIRING REPLY BY PLAINTIFFS

Blackburn, J.

This matter is before me on the **Receiver's Statement with Respect To Motion for Temporary Restraining Order and Motion for Preliminary Injunction and Limited Entry for Purpose of Contesting Jurisdiction** [#32]¹ filed August 18, 2009.

The receiver avers that he was appointed by the District Court, Arapahoe County, Colorado, as the receiver for defendant Touchstar Software Corporation. The receiver has not been named or joined as a party in this case. I approve the filing of the receiver's statement [#32] as a filing by an interested party, and I construe the receiver's statement as a response to the plaintiff's motion for temporary restraining order and for preliminary injunction [#21]. Although I cannot require the receiver, a non-party, to appear at the hearing on the plaintiff's motion for temporary restraining order and for preliminary injunction, which hearing is set for August 20, 2009, at 3:00 p.m. (MDT), I will accept at that hearing any presentation the receiver may wish to make concerning the receivership and

¹ [#32] 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.

the relief sought by the plaintiffs.

In my **Scheduling Order** [#29] entered August 13, 2009, I ordered the plaintiff to file on or before 5:00 p.m., Wednesday, August 19, 2009, a reply to any response to the plaintiff's motion for temporary restraining order and for preliminary injunction [#21]. I am uncertain whether or not the plaintiff has construed the receiver's filing as a response. Therefore, I extend the deadline for the plaintiff's filing of a reply to the receiver's response to 1:00 p.m., Thursday, August 20, 2009.

THEREFORE, IT IS ORDERED as follows:

1. That the court **ACCEPTS** for filing the **Receiver's Statement with Respect To Motion for Temporary Restraining Order and Motion for Preliminary Injunction and Limited Entry for Purpose of Contesting Jurisdiction** [#32], filed August 18, 2009, and construes that filing as a response to the plaintiff's motion for temporary restraining order and for preliminary injunction [#21] filed August 13, 2009;
2. That the plaintiff **SHALL FILE** a reply to the **Receiver's Statement with Respect To Motion for Temporary Restraining Order and Motion fro Preliminary Injunction and Limited Entry for Purpose of Contesting Jurisdiction** [#32], filed August 18, 2009, on or before **1:00 p.m., Thursday, August 20, 2009**; and
3. That my **Scheduling Order** [#29] entered August 13, 2009, **IS AMENDED** to the limited extent necessary to facilitate and implement these orders.

Dated August 19, 2009, at Denver, Colorado.

BY THE COURT:



Robert E. Blackburn
United States District Judge