

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Magistrate Judge Kathleen M. Tafoya**

Civil Action No. 09-cv-01909-KMT-KLM

KLEIN KLEIN, P.C.,

Plaintiff,

v.

TODD KROUNER,

Defendant.

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**MINUTE ORDER**

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**ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA**

Plaintiff is ORDERED to file a supplemental brief in response to “Defendant’s Motion to Dismiss for Lack of Subject Matter Jurisdiction” (Doc. No. 25), limited to the portion of the motion dealing with the *Colorado River* Doctrine and subject matter jurisdiction, no later than January 8, 2010. Defendant shall file a supplemental reply no later than January 15, 2010. The court will order further briefing on the Defendant’s Fed. R. Civ. P. 12(b)(6) or, alternatively, summary judgment motion at a later time, if necessary.

Plaintiff’s “Motion for Extension of Time to Respond to Defendant’s Motion for Sanctions Pursuant to Rule 11 until after the Court Rules on Plaintiff’s Pending Motion to Compel Arbitration” (Doc. No. 47, filed December 3, 2009) is DENIED. Plaintiff shall file its response to the Motion for Sanctions (Doc. No. 38) no later than January 8, 2010. Defendant shall file his reply no later than January 15, 2010.

Plaintiff’s “Motion for Stay of All Proceedings until the Motion to Enforce Arbitration Agreement Has Been Decided” (Doc. No. 34, filed November 3, 2009) is GRANTED in part. No scheduling conference will be held until after ruling on the Motion for Dismiss for Lack of Subject Matter Jurisdiction.

Plaintiff’s “Motion to Set Trial to Determine Existence of Arbitration Agreement” (#46, filed December 3, 2009) is DENIED without prejudice as premature. Plaintiff may re-file the motion,

if necessary, following ruling on “Defendant’s Motion to Dismiss for Lack of Subject Matter Jurisdiction.”

Dated: December 30, 2009