

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 09-cv-01937-PAB-BNB

FEDERAL DEPOSIT INSURANCE CORPORATION
AS RECEIVER FOR NEW FRONTIER BANK,

Plaintiff,

v.

PIONEER FARMS, LLC, a Colorado limited liability company,
FEIZHU FARMS, LLC, a Colorado limited liability company,
RICHARD CARLSON, an individual,
H. WAYNE RICE, an individual, and
RONALD LYNN BROCK, an individual,

Defendants,

v.

CBLAND COMPANY, LLC, a Colorado limited liability company,

Third-party Defendant.

ORDER

The parties appeared this afternoon for a status conference. Matters discussed at the conference included:¹

(1) The FDIC disclosed that it has accepted a bid to sell the loans and guarantees which are at issue in this case (the “Loans”), but that the sale will not close until approximately

¹I inquired of the parties whether a group of pigs is properly referred to as a herd. Subsequently, I am informed that the collective nouns available to describe a group of pigs include a drift, a team, or a herd. Because this case involves a farm raising free range pigs, which may be akin to wild pigs, the herd might be referred to as a sounder.

September 3, 2009. The FDIC was not prepared to state whether, after the sale of the Loans closes, it will have any continuing involvement in the case in connection with its advances;

(2) The FDIC moved orally to withdraw its Motion for Stay [Doc. # 1-45] (the “Motion to Stay”) filed in the state district court on June 26, 2009, seeking to stay the case “for ninety (90) days following the date of entry of an order granting this motion, or until such date as the FDIC-R files a notice of removal . . . seeking to remove these proceedings to Federal District Court, whichever is sooner”; and

(3) The need to conduct a scheduling conference.

Consistent with the matters discussed at the status conference:

IT IS ORDERED that the Motion for Stay [Doc. # 1-45] is DENIED as withdrawn.

IT IS ORDERED that the FDIC shall file a status report on or before **September 22, 2009**, addressing whether the sale of the Loans has closed; the identity and address of the purchaser of the Loans; and whether the FDIC intends to have any continuing involvement in the case.

IT IS FURTHER ORDERED that a scheduling conference is set for **October 6, 2009, at 2:00 p.m.**, in Courtroom 401, 4th floor, Alfred A. Arraj United States Courthouse, 901 19th Street, Denver, Colorado. The parties shall prepare a proposed scheduling order and submit it to the court pursuant to District of Colorado Electronic Case Filing (“ECF”) Procedures V.L, including a copy of the proposed scheduling order in a WordPerfect or Word format sent via e-mail to Boland_Chambers@cod.uscourts.gov, all as required by ECF Procedure V.L. 2(a) and (b), on or before **October 1, 2009**. In preparation for the scheduling conference, the parties shall comply with the mandatory disclosure requirements of Fed. R. Civ. P. 26(a)(1) on or before

October 1, 2009.

Dated September 1, 2009.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge