

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 09-cv-03036-CMA

NAUTILUS, INC.,

Plaintiff,

v.

MAD DOGG ATHLETICS, INC.,

Defendant.

MINUTE ORDER

ORDER ENTERED BY JUDGE CHRISTINE M. ARGUELLO

This matter is before the Court on Defendant's Motion to Dismiss or Stay Case filed by Defendant Mad Dogg Athletics, Inc. (Doc. # 21). In pertinent part, Mad Dogg Athletics seeks a dismissal or stay in favor of parallel proceedings pending before the United States District Court for the Central District of California (the "California Action").

During the pendency of these proceedings, Nautilus, Inc. filed a Motion to Transfer in the California Action. On June 1, 2010, the Central District of California granted Nautilus's Motion to Transfer. The court found that transfer to the District of Colorado is appropriate in light of a forum selection clause contained in a settlement agreement that is, in part, the subject of both parallel proceedings. (See Case No. 10-cv-01289-REB-MJW, Doc. # 1). In light of the transfer of the California Action to this district, it is

ORDERED that Defendant's Motion to Dismiss or Stay Case (Doc. # 21) is DENIED AS MOOT.

DATED: June 9, 2010