

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior District Judge Richard P. Matsch

Civil Action No. 11-cv-02284-RPM

TAHYS ACEVEDO and  
LARY WAAG, JR.,,  
individually and on behalf of all others similarly situated,

Plaintiffs,

v.

JBS USA, LLC,

Defendant.

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ORDER FOR ADMINISTRATIVE CLOSURE AND DENIAL OF MOTION TO DISMISS

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This civil action has been stayed since March 6, 2012, because of the pendency of *Castaneda, et al., v. JBS USA, LLC*, Civil Action No. 08-cv-01833-RPM. A final judgment was entered in that case on May 6, 2014. On May 7, 2014, the defendant filed a motion to dismiss this civil action based on claim preclusion from that final judgment. The plaintiffs filed their opposition on May 28, 2014, and filed a notice of appeal in the *Castaneda* case. Because the appeal of *Castaneda* could result in a new trial, it would be improper to dismiss this case with prejudice. Because the duration of the appellate process is not predictable, it is now

ORDERED that this civil action is closed administratively pursuant to D.C.Colo.LCivR 41.2 and the defendant's motion to dismiss is denied.

Dated: June 24<sup>th</sup>, 2014

BY THE COURT:

s/Richard P. Matsch

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Richard P. Matsch, Senior District Judge