

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Honorable R. Brooke Jackson

Civil Action No. 12-cv-00869-RBJ

JOHN NIEMI,  
ROBERT NAEGELE, III, and  
JESPER PARNEVIK

Plaintiffs,

v.

MICHAEL FRANK BURGESS,  
ERWIN LASSHOFER  
INNOVATIS GMBH,  
INNOVATIS IMMOBILIEN GMBH,  
INNOVATIS ASSET MANAGEMENT SA,  
LEXINGTON CAPITAL & PROPERTY INVESTMENTS, LLC, and  
BARRY FUNT,

Defendants.

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ORDER

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On June 1, 2012 this Court issued a written order granting a preliminary injunction on terms set forth in the order. On June 5, 2012 the “Innovatis defendants” filed a notice of appeal from that order. A number of motions have been filed in this Court since the granting of the preliminary injunction’ [docket ##52, 53, 54, 55, 57, 67]. Included in this group is “Emergency Motion of the Innovatis Defendants to Suspend Court’s June 1, 2012, Preliminary Injunction Order Pending Appeal” [docket #53].

While the filing of an appeal generally divests the district court of jurisdiction, this Court may suspend the injunction while an appeal from its order granting the injunction is pending. Fed. R. Civ. P. 62(c). Further, a party must ordinarily move first in the district court for a stay of

a district court order pending appeal. Fed. R. App. P. 8(a)(1)(A). Assuming that this Court does have jurisdiction to address the emergency motion to suspend its preliminary injunction order, the motion is DENIED.

DATED this 19<sup>th</sup> day of June, 2012.

BY THE COURT:

A handwritten signature in black ink, appearing to read "R. Brooke Jackson", written in a cursive style.

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R. Brooke Jackson  
United States District Judge