

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 12-cv-03216-REB-MJW

ASARCO LLC, a Delaware limited liability company,

Plaintiff(s),

v.

UNION PACIFIC RAILROAD COMPANY, a Delaware corporation;  
UNION PACIFIC CORPORATION, a Utah corporation;  
PEPSI-COLA METROPOLITAN BOTTLING CO., INC., a New Jersey corporation; and  
BOTTLING GROUP, LLC, a Delaware limited liability company,

Defendant(s).

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MINUTE ORDER

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Entered by Magistrate Judge Michael J. Watanabe

It is hereby ORDERED that Defendants' Joint Motion to Defer Scheduling Conference and Related Proceedings Pending Resolution of Motions to Dismiss (docket no. 31) is GRANTED for those reasons as outlined in the subject motion and for judicial economy.

I find that Defendants Union Pacific Railroad Company's and Union Pacific Corporation's Motion to Dismiss (docket no. 20) was filed with this court on January 9, 2013. The Plaintiff's Response was just filed yesterday on January 30, 2013 (docket no. 37). Defendant Pepsi-Cola Metropolitan Bottling Company, Inc.'s and Bottling Group, LLC's Motion to Dismiss (docket no. 27) was filed with the court on January 10, 2013. The Plaintiff's Response has not been filed yet but is due shortly. Both of these motions (docket nos. 20 and 27) have been referred to Magistrate Judge Watanabe for recommendation. See docket nos. 25 and 28. This court intends on addressing both of these motions (docket nos. 20 and 27) in due course as soon as they both become ripe for ruling. I find no prejudice to Plaintiffs in issuing a stay of this case until such time as this court enters rulings on the above two motions (docket no. 20 and 27).

It is FURTHER ORDERED that the Rule 16 Scheduling Conference set on February 11, 2013, at 10:00 a.m. is VACATED.

It is FURTHER ORDERED that this case is STAYED except for consideration on the above two motions to dismiss (docket nos. 20 and 27), noting that the parties still have time to file either a response or reply.

Date: January 31, 2013