

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

Civil Action No. 13-cv-00274-WJM-BNB

WINMARK CORPORATION,

Plaintiff,

v.

TODD A. SCHNEEBERGER, and
PATRICIA A. SCHNEEBERGER,

Defendants.

ORDER

This action was commenced by the filing of a Complaint [Doc. # 1] on February 1, 2013. The Clerk of the Court entered default against the defendants on April 17, 2013, Entry of Default [Doc. # 34], which was set aside by the district judge. Order [Doc. # 46]. The district judge ordered the defendants to answer or otherwise respond to the complaint on or before December 5, 2013, id., which they failed to do. The case was set for a scheduling conference to occur on February 7, 2014. Minute Order [Doc. # 50].

Subsequently, I have received a letter from counsel for the plaintiff stating that the defendants have filed a petition for Chapter 13 bankruptcy protection and that the automatic stay under 11 U.S.C. § 362 precludes further action here. The plaintiff reports that it will seek relief from the automatic stay, but that “the parties do not intend to appear for the Scheduling Conference currently scheduled for this Friday, February 7 at 10:30 a.m.” Letter [Doc. # 51]. In addition, the plaintiff reports that the parties “have tentatively agreed to a settlement that they anticipate being able to enter into” when relief from the stay is obtained. Id.

IT IS ORDERED:

(1) The scheduling conference set for February 7, 2014, at 10:30 a.m., is VACATED;
and
(2) The plaintiff shall file a status report at the earlier of (i) entry of an order granting
relief from the bankruptcy stay or (ii) May 1, 2014.

Dated February 3, 2014.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge