

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Craig B. Shaffer

Civil Action: 13-cv-01812-RM-CBS
Date: March 18, 2014

FTR - Reporter Deck - Courtroom A402
Courtroom Deputy: Courtni Covington

Parties:

ZAHOUREK SYSTEMS, INC.,

Plaintiff,

v.

BALANCED BODY UNIVERSITY, LLC,

Defendant.

Counsel:

Luke R. Santangelo

Carolyn V. Juarez
Gordon Troy

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in Session: 1:32 p.m.

Court calls case. Appearances of counsel. Ken Endelman, client representative for Defendant, is also present.

Argument and discussion held regarding **Plaintiff's Opposed Motion for Leave to File a Second Amended Petition to Compel Arbitration** [Doc. No. 22]. Relevant case law cited.

Discussion between the court and the parties regarding the related proceedings in other districts and the court's inclination of allowing the Plaintiff to amend.

The court proposes in an effort to be most efficient, counsel withdraw the *Motion for Leave to File a Second Amended Petition to Compel Arbitration* [Doc. No. 22] pending ruling by District Judge Moore on Defendants' **Motion to Dismiss** [Doc. No. 18], and that the parties agree Defendant will not pursue action that would seek to lift the stay in the California action.

Counsel have no objection to the court's proposal. Counsel for Plaintiff makes an oral **Motion to Withdraw** Doc. No. 22 without prejudice to their right to re-file in the future.

ORDERED: Counsel's oral *Motion to Withdraw* Doc. No. 22 is **GRANTED**. Defense counsel represents they will not, pending ruling by Judge Moore on the current Motion to Dismiss, take any action in the California court that would

disadvantage the Plaintiff's ability to pursue litigation in this court.

Plaintiff's Opposed Motion for Leave to File a Second Amended Petition to Compel Arbitration [Doc. No. 22, filed 1/13/2014] is **WITHDRAWN without prejudice.**

ORDERED: A Telephonic Status Conference is set for **8:30 a.m. on April 21, 2014.**

HEARING CONCLUDED.

Court in recess: **2:23 p.m.**

Total time in court: 00:51

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