

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-01930-RM-MJW

DANIEL LYSYJ,
DAVID RHOADS,
RICH AULICH,
SHANNON DOLCE,
LONNIE ENDERLE,
JASON JACOBS,
SARA KRUEGER,
ANDY MARTIN,
BRENT McDANIEL,
MARC MOHR,
JONATHAN PANURE,
BOGDAN PETRESCU, and
DEREK SMITH,

Plaintiffs,

v.

MILNER DISTRIBUTION ALLIANCE, INC., d/b/a Maxx Sunglasses,
a Colorado corporation,

Defendant.

MINUTE ORDER

Entered by Magistrate Judge Michael J. Watanabe

It is hereby **ORDERED** that the plaintiffs' Request [Motion] for Ruling on Motion to Quash Level 3 Subpoena (Doc # 153) (Docket No. 165) is denied without prejudice. One of the movants of the Motion to Quash (Docket No. 153) is defendant Milner Distribution Alliance, Inc., d/b/a Maxx Sunglasses. On September 23, 2014, that corporate defendant filed a Voluntary Petition in Bankruptcy in the U.S. Bankruptcy Court for the District of Colorado Case No. 14-22962-SBB. Consequently, this civil action, as it pertains solely as to that defendant, has been stayed pursuant to 11 U.S.C. § 362(a)(1). (See Docket No. 159). Furthermore, the Motion to Quash (Docket No. 153) seeks to quash a subpoena duces tecum issued by plaintiffs to non-party Level(3) Communications which seeks all telephone records of the corporate defendant that is in Bankruptcy, not the individual defendants. For these reasons, the Motion to Quash (Docket No. 153) shall continue to be held in abeyance. (See Docket No. 159 - Courtroom Minutes/Minute Order holding the Motion to Quash [Docket No. 153] and defendants' Motion for Extension of Scheduling Order Dates [Docket No. 148] in

abeyance in light of the Bankruptcy stay).

It is further **ORDERED** that on or before November 24, 2014, the parties shall file a Joint Status Report concerning the status of the Bankruptcy case, Case No. 14-22962-SBB, as it pertains to this action.

Date: November 13, 2014
