

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

Civil Action: 13-cv-02435-RM-CBS
Date: March 17, 2014

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

Parties:

Counsel:

ADDISON INSURANCE COMPANY,

Jerad A. West

Plaintiff,

v.

THEBEAU ENTERPRISES, INC., *et al.*,

Noah H. Klug
Stephen B. Shapiro

Defendants.

COURTROOM MINUTES/MINUTE ORDER

HEARING: MOTION HEARING

Court in Session: 1:29 p.m.

Court calls case. Appearances of counsel.

This matter is before the court regarding Defendants' **(Second) Motion to Stay Action or, in the Alternative, to Dismiss Plaintiff's First Claim for Relief** [Doc. No. 26].

Discussion between the court and counsel for Plaintiff regarding service on Defendant United Specialty Insurance Company, their failure to respond, and counsel's **Motion for Entry of Default** [Doc. No. 47] as to that Defendant.

Argument and discussion held on Defendants' *(Second) Motion to Stay Action or, in the Alternative, to Dismiss Plaintiff's First Claim for Relief* [Doc. No. 26].

Discussion between the court and the parties regarding relevant case law, the underlying state court action, and possible further amendment of the Amended Complaint.

For the reasons stated on the record, it is

ORDERED: *(Second) Motion to Stay Action or, in the Alternative, to Dismiss Plaintiff's First Claim for Relief* [Doc. No. 26, filed 12/30/2013] is **GRANTED** to the extent it seeks to stay the action. The case shall be **STAYED** pending further

order from the court.

The court notes the case shall be stayed with the exception to Plaintiff's right of filing a motion for leave to amend the complaint and Defendants' right to oppose that motion.

Discussion between the court and counsel for Defendants Thebeau Enterprises, Inc. And Wayne Thebeau regarding withdrawing the *Motion* to the extent it seeks to dismiss the action. Counsel makes an oral **Motion to Withdraw** Doc. No. 26 to the extent it seeks to dismiss Plaintiff's First Claim for Relief. Counsel for Plaintiff and for Defendant Matthews have no objection.

ORDERED: Defense counsel's oral *Motion to Withdraw* the remainder of Doc. No. 26 is **GRANTED**. *Motion to Stay Action or, in the Alternative, to Dismiss Plaintiff's First Claim for Relief* [Doc. No. 26, filed 12/30/2013] is **WITHDRAWN** to the extent it seeks to dismiss Plaintiff's First Claim for Relief.

The court informs the parties that only a ruling from the bench will issue, no written order will follow, and therefore the amount of days to file an objection should be calculated from today's date.

HEARING CONCLUDED.

Court in recess: 2:30 p.m.

Total time in court: 01:01

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