

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 12-cv-0447-WJM-KLM

Consolidated with 12-cv-589-WJM-KLM and
13-cv-3155-WJM-KLM

THOMAS B. WELLS,
JAMES SWAGGERTY, and
AVERY JAMES KAYTEN,
Derivatively on behalf of Molycorp, Inc.,

Plaintiffs,

v.

MARK A. SMITH,
JOHN L. BURBA,
JOHN F. ASHBURN, JR.,
JAMES S. ALLEN,
ROSS R. BHAPPU,
BRIAN T. DOLAN,
ALEC MACHIELS,
MARK S. KRISTOFF,
CHARLES R. HENRY,
JACK E. THOMPSON,
RUSSELL D. BALL,
RCF MANAGEMENT, LLC.,
PEGASUS CAPITAL ADVISORS, L.P., and
MOLYCORP, INC, a Delaware corporation actually named as a Nominal Defendant,

Defendants.

ORDER ADMINISTRATIVELY CLOSING ALL CONSOLIDATED CASES

The above-captioned action is a shareholder derivative lawsuit filed on behalf of Molycorp, Inc. against certain of Molycorp's principals and directors. The claims raised herein are derivative of two securities class actions, one that is pending before another judge in this District, *In re Molycorp Industries*, No. 12-cv-292-RM-KMT, and one that is

pending before a New York court, *In re Molycorp, Inc. Securities Litigation*, No. 13 Civ. 5697 (PAC) (S.D.N.Y.). Given the interrelated nature of the claims, the instant action is stayed pending resolution of the securities class actions. (ECF No. 104.) As both of the securities class actions are at a relatively early stage of litigation, the Court has no way to ascertain how long the current stay will be in place.

Thus, pursuant to D.C.COLO.LCivR 41.2, the Court hereby ORDERS that the above-captioned case be ADMINISTRATIVELY CLOSED. The Clerk shall file a copy of this order in the consolidated cases (12-cv-589-WJM-KLM and 13-cv-3155-WJM-KLM), and such cases shall likewise be ADMINISTRATIVELY CLOSED. The Parties may by motion seek leave to reopen this case after the securities class actions are resolved, or for any other good cause shown.

Dated this 15th day of January, 2015.

BY THE COURT:



William J. Martínez
United States District Judge