

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02031-PAB-KLM
(Consolidated with Civil Action No. 14-cv-02119-PAB-KLM)

AVENUE CAPITAL MANAGEMENT II, L.P., a Delaware limited partnership, et al.,

Plaintiffs,

v.

RICHARD F. SCHADEN, an individual, et al.,

Defendants.

RICHARD F. SCHADEN,

Plaintiff,

v.

AVENUE CAPITAL MANAGEMENT II, L.P., and
FORTRESS INVESTMENT GROUP, LLC,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendant Avenue Capital Management II, L.P. and Defendant Fortress Investment Group, LLC's **Motion to Dismiss, or in the Alternative, for a Stay** [#16, filed in Civil Action No. 14-cv-02119-PAB-KLM] (the "Motion to Dismiss"), Plaintiff Richard F. Schaden's ("Schaden") **Unopposed Motion to Extend Stay of Proceedings** [#35] (the "Motion to Stay"), and on Plaintiff Schaden's **Notice of Dismissal Without Prejudice** [#42] (the "Notice"). In the Notice, Plaintiff Schaden seeks voluntary dismissal pursuant to Rule 41(a)(1)(A) of the portion of this consolidated action that was part of Civil Action No. 14-cv-02119-PAB-KLM. The Motion to Dismiss and the Motion to Stay both solely concern the the portion of this consolidated action that Plaintiff now seeks to dismiss. Accordingly,

IT IS HEREBY ORDERED that the Motion to Dismiss [#16, filed in Civil Action No. 14-cv-02119-PAB-KLM] and the Motion to Stay [#35] are **DENIED as moot**.

Dated: November 12, 2014