

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 14-cv-02837-PAB

MORGAN STANLEY SMITH BARNEY LLC and
MORGAN STANLEY SMITH BARNEY FA NOTES HOLDINGS LLC,

Petitioners,

v.

JOHN PAUL CECH, a/k/a John P. Cech, a/k/a John Cech,

Respondent.

MINUTE ORDER

This matter comes before the Court on petitioners' response [Docket No. 15] to the Court's order to show cause, wherein the Court ordered petitioners to show cause why this case should not be dismissed for failure to prosecute. Docket No. 14. Petitioners indicate that, on May 28, 2015, the Bankruptcy Court granted respondent a discharge in Bankruptcy Case No. 15-11664-EEB that had the effect of discharging respondent's debt to petitioners that is the subject of petitioner's claim to confirm an arbitration award in petitioners' favor. As a result, petitioners state that they "are now permanently enjoined from taking any further action on the Petition to Confirm Arbitration Award." Docket No. 15 at 2. Petitioners acknowledge that the Court should dismiss this case due to the bankruptcy discharge, but should not dismiss it as a result of any failure to prosecute. Docket No. 15 at 2. The Court agrees with petitioners that

there has been no failure to prosecute, but also agrees that, in light of the bankruptcy discharge, this matter should be dismissed. Wherefore, it is

ORDERED that this matter is dismissed, each party to bear its own costs.

DATED November 25, 2015.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge