

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Robert E. Blackburn**

Civil Action No. 15-cv-01442-REB

(Bankruptcy Case No. 10-13445-KLC (Chapter 11) - main case pending in the United States Bankruptcy Court for the District of Delaware);  
(Adversary Proceeding No. 11-01634-HRT - adversary proceeding pending in the United States Bankruptcy Court for the District of Colorado)

In re: BANNING LEWIS RANCH COMPANY, LLC.,

Debtor.

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THE BANNING LEWIS RANCH  
COMPANY, LLC;  
BLH NO. 1, LLC;  
BLH NO. 2, LLC;  
BANNING LEWIS HOLDINGS, LLC,

Appellants,

v.

CITY OF COLORADO SPRINGS, COLORADO;  
COLORADO SPRINGS UTILITIES,

Appellees.

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**ORDER**

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**Blackburn, J.**

This matter is before me on the **Second Status Report and Joint Motion To Extend Abatement of Appeal Pending Settlement Negotiations** [#11]<sup>1</sup> filed

November 23, 2015. Previously, this court stayed this action until December 1, 2015,

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<sup>1</sup> “[#9]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

and closed this case administratively to permit the parties to pursue settlement discussions. In the present motion, the parties request that the court hold this appeal in abeyance until February 15, 2016, to permit them to continue to pursue settlement discussions. The parties report they have made progress in their settlement discussions, but the complexity of the issues involved requires more time to attempt to reach a full settlement.

I find and conclude that an additional abatement of this appeal is proper to permit the parties to continue to pursue a settlement of this appeal. For the purpose of managing the docket of this court, I find also that this case should remain under administrative closure during the abatement of this appeal, subject to reopening for good cause.

**THEREFORE, IT IS ORDERED** as follows:

1. That under **D.C.COLO.LCivR 41.2**, this case is re-opened for the limited purpose of resolving the motion addressed in this order;
2. That the continuance of the abatement of this appeal requested in the **Second Status Report and Joint Motion To Extend Abatement of Appeal Pending Settlement Negotiations** [#11] filed November 23, 2015, is granted;
3. That this appeal and all concomitant deadlines are abated until February 15, 2015, to accommodate continued settlement discussions;
4. That on or before February 15, 2016, the parties shall file a status report which
  - (a) advises the court of the status of their settlement negotiations; and
  - (b) if a settlement has not been reached by February 15, 2016, informs the court of the views of the parties on how this appeal should proceed;

5. That if the parties successfully and fully resolve their dispute, on or before February 15, 2016, the appellants shall file a motion to dismiss this appeal; and

6. That under **D.C.COLO.LCivR 41.2**, this case again is closed administratively, subject to reopening for good cause.

Dated November 24, 2015, at Denver, Colorado.

**BY THE COURT:**

A handwritten signature in blue ink that reads "Bob Blackburn". The signature is written in a cursive, flowing style.

Robert E. Blackburn  
United States District Judge