-DGW Porritt et al v. Amscan Holdings, Inc. et al Doc. 52

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

CHRISTINA L. PORRITT, *et al.*,	:	
Plaintiffs/Relators,	:	
v.	:	Case No. 10-cv-469-JPG
AMSCAN HOLDINGS, INC., *et al.*,	:	
Defendants.	:	

MEMORANDUM AND ORDER

This matter comes before the Court on Defendants' Motion to Stay (Doc. 35). Specifically, Defendants ask the Court to stay this case pending the decision of the Court of Appeals for the Federal Circuit in *Stauffer v. Brooks Brothers, Inc.*, Appeal Nos. 2009-1428, 2009-1430 and 2009-1453. Plaintiffs filed a Response (Doc. 41) in opposition to Defendants' motion.

On August 31, 2010, the *Stauffer* Court issued its opinion, and on October 12, 2010, it issued its mandate. In light of the relief sought by Defendants, (Doc. 35) (Defendants respectfully request that the Court stay this case pending the *Federal Circuit's* decision in *Stauffer*) (emphasis added), this development renders Defendants' motion moot. Further, due to the obvious uncertainty, the Court notes it will not wait to see whether the defendant in *Stauffer* will seek a writ of *certiorari* and/or whether the Supreme Court would grant such a writ.

For the foregoing reasons, the Court **DENIES** Defendants' Motion to Stay.

IT IS SO ORDERED.
DATED: October 21, 2010

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE

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