

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Freightmasters Logistics, Inc.,

Plaintiff,

Civ. No. 07-4572 (RHK/AJB)

ORDER

v.

Nycore, Inc., *et al.*,

Defendants.

This matter is before the Court *sua sponte*. On August 8, 2008, Plaintiff Freightmasters Logistics, Inc. (“Freightmasters”) filed a Motion for Summary Judgment in this action, which is currently scheduled to be heard by the Court on October 2, 2008. Freightmasters later reached a settlement with all Defendants except Shaw Industries, Inc. (“Shaw”). Accordingly, the only Defendant against whom Freightmasters’ Motion remains pending is Shaw.

On August 29, 2008, Shaw filed a Motion to Compel (Doc. No. 34), seeking to compel several corporate representatives of co-Defendant Nycore, Inc. to appear at depositions. On September 5, 2008, Shaw filed its Opposition to Freightmasters’ Motion for Summary Judgment in which it asserted, *inter alia*, that it required additional discovery – the aforementioned depositions – before it could fully respond to Freightmasters’ Motion. Magistrate Judge Boylan has scheduled a hearing on Shaw’s Motion to Compel for September 29, 2008.

In light of the foregoing, **IT IS ORDERED** that the October 2, 2008 hearing on Freightmasters' Motion for Summary Judgment is **CONTINUED** *sine die*, and briefing on the Motion is **STAYED** pending further Order of the Court. The parties are directed to inform the Court in writing once Magistrate Judge Boylan has ruled on Shaw's Motion to Compel and advise it whether additional briefing on the Motion for Summary Judgment is necessary and appropriate at that time. A hearing on the Motion for Summary Judgment will be set by Order of the Court at a later date.

Dated: September 11, 2008

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge