

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Carlos Sanchez,

Plaintiff,

Civ. No. 08-5997 (RHK/FLN)

ORDER

v.

Northwest Airlines, Inc., aka NWA, a domestic corporation, and its parent corporation Delta Air Lines, Inc., a foreign corporation doing business in Minnesota,

Defendants.

This matter is before the Court *sua sponte*.

This is a disability-discrimination action brought by Plaintiff Carlos Sanchez against his employer, Northwest Airlines, Inc. (“Northwest”).¹ Following discovery, the parties cross-moved for summary judgment; their Motions are currently being briefed. In support of its Motion, Northwest has asserted *inter alia* that Sanchez’s claim was discharged as part of its bankruptcy proceedings in the Southern District of New York. (See Def. Mem. (Doc. No. 23) at 15-17.) Northwest made the same assertion in its Answer to Sanchez’s Complaint. (See Answer (Doc. No. 7) at 7.) In his Memorandum

¹ Delta Air Lines, Inc. (“Delta”), Northwest’s parent, is also named as a Defendant in this action, but there are no substantive allegations in the Complaint against Delta – indeed, the discrimination alleged in the Complaint pre-dated Delta’s merger with Northwest. It appears that Delta has been sued merely because Northwest is its subsidiary. Accordingly, the Court refers to the Defendants as “Northwest.”

in support of his cross-Motion for Summary Judgment, however, Sanchez has nowhere mentioned the bankruptcy proceedings or the possible discharge of his claim.

Although the parties have devoted a substantial amount of briefing to the merits of Sanchez's disability-discrimination claim, the Court believes it would be premature to resolve that claim without first deciding whether it was, in fact, discharged as part of Northwest's bankruptcy proceeding. Accordingly, and based on all the files, records, and proceedings herein, **IT IS ORDERED** as follows:

1. On or before May 6, 2010, Sanchez shall file a Memorandum, not to exceed ten pages, addressing Northwest's argument that his claim was discharged in bankruptcy and is now barred;
2. On or before May 13, 2010, Northwest may file a Reply Memorandum, if any, not to exceed five pages, responding to Sanchez's Memorandum;
3. Further briefing on the parties' cross-Motions for Summary Judgment is **STAYED** pending further Order of the Court; and
4. The hearing on the parties' cross-Motions for Summary Judgment is **CANCELED** and will be rescheduled if the Court later desires a hearing.

Date: April 16, 2010

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