

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Douglas A. Kelley, *in his capacity as the
PCI Liquidating Trustee for the PCI
Liquidating Trust,*

Plaintiff,

v.

Gus Boosalis,

Defendant.

Case No. 18-cv-868 (SRN/TNL)

ORDER

Andrew B. Brantingham, J. David Jackson, John R. Marti, Lucas J. Olson, and Payton E. George, Dorsey & Whitney LLP, 50 S. 6th St., Ste. 1500, Minneapolis, MN, 55402, for Plaintiff.

Daniel J. Frisk, Don R. Grande, and Mark A. Schwab, Grande Frisk Thompson & Schwab, 820 34th Ave. E., Ste. 200, West Fargo, ND 58078; Mark K. Thompson, MKT Law, PLC, 4927 34th Ave. S., 100 Nokomis Professional Building, Minneapolis, MN 55417, for Defendant.

SUSAN RICHARD NELSON, United States District Judge

In light of the recent ruling by the Eighth Circuit Court of Appeals on the consolidated appeals in this matter and *Kelley v. Kanios*, *see* 974 F.3d 884 (8th Cir. 2020), a status conference was scheduled to be held on October 21, 2020. (Sept. 15, 2020 Text-Only Order [Doc. No. 235].)

The parties have advised the Court that on October 9, 2020, Plaintiff filed with the Eighth Circuit a petition for rehearing en banc. (*See* Pl.'s Oct. 15, 2020 Letter [Doc. No. 236]; Def.'s Oct. 15, 2020 Letter [Doc. No. 237].) Due to the pending petition with the

Eighth Circuit, the Court hereby **CANCELS** the October 21, 2020 status conference.

Counsel shall advise the Court of the Eighth Circuit's decision on its petition.

SO ORDERED.

Dated: October 15, 2020

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge