

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

DINA HOROWITZ, on behalf of herself )  
and all others similarly situated, )

Plaintiff, )

vs. )

Case No. 4:15 CV 1769 RWS

SUNEDISON, INC., et al., )

Defendants. )

**MEMORANDUM AND ORDER**

This matter is before the Court for a telephone conference “to obtain guidance and a ruling” on lead plaintiff’s motion to reopen this administratively closed case. This Court does not hold telephone conferences to “issue guidance” on pending motions. The motion to reopen the case is denied without prejudice to being refiled when appropriate. I continue to believe, in the exercise of my discretion and in the proper management of this Court’s docket, that this case should remain administratively closed at this time for all the reasons set out in my prior Order and in defendants’ opposition to reopening the case.

However, I will permit lead plaintiffs to file and serve the consolidated amended complaint in this case. Defendants are under no obligation to answer or otherwise respond to the consolidated amended complaint pending further Order of this Court. This includes any newly joined defendants; however, upon proper

service counsel for any newly joined defendant should file an entry of appearance so that they will be notified of any filings in the case. Plaintiffs are required to serve a copy of this Memorandum and Order along with the consolidated amended complaint on any newly joined defendants. The parties shall file a joint status report on the bankruptcy proceedings ninety (90) days from the date of this Memorandum and Order. Such status report shall include the parties' positions on whether the case should be reopened at that time. Finally, counsel for lead plaintiff improperly communicated with this Court by letter in contravention of the local rules. In the future, the Court expects counsel for all parties to comply with all Federal and local rules.

Accordingly,

**IT IS HEREBY ORDERED** that the motion to reopen case [60] is denied without prejudice and this case remains administratively closed, except that lead plaintiff shall be permitted to file and serve a consolidated amended complaint in this administratively closed case in accordance with the provisions set out above. No defendants are required to answer or otherwise respond to the consolidated amended complaint pending further Order of this Court, and no defendant will be held in default for failing to answer or otherwise respond to the consolidated amended complaint pending further Order of this Court. However, counsel for any

newly joined defendant shall file an entry of appearance upon proper service to be notified of any future filings in this case.

**IT IS FURTHER ORDERED** that the parties shall file a joint status report on the bankruptcy proceedings ninety (90) days from the date of this Memorandum and Order as set out above.

**IT IS FURTHER ORDERED** that the motion for telephone conference [67] is denied.



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RODNEY W. SIPPEL  
UNITED STATES DISTRICT JUDGE

Dated this 19th day of July, 2016.