

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF MISSOURI
 EASTERN DIVISION

VINCENT ERIC ROACH,)	
)	
Plaintiff,)	
)	
v.)	Case No. 4:17-cv-02721-AGF
)	
FOLIO CAFÉ, LLC, TIM FORTIER,)	
AND CATHERINE IRENE FORTIER,)	
)	
Defendants.)	

MEMORANDUM & ORDER

This matter is before the Court on the ex parte motion of Plaintiff Vincent Eric Roach for a temporary restraining order (“TRO”). After an ex parte hearing on November 28, 2017, the Court granted Plaintiff’s motion and entered a TRO enjoining Defendants from withdrawing or transferring money into or out of three bank accounts related to the operation of Folio Café, LLC. ECF No. 7. The Court set the matter for another hearing on November 30, 2017, and ordered Plaintiff to effect service and provide notice of the TRO to Defendants. While attempting to do so, Plaintiff learned that Defendant Tim Fortier had filed a bankruptcy petition in the Bankruptcy Court for the Western District of Missouri on October 17, 2017.

On November 30, 2017, at 8:00 a.m., the Court held a hearing on Plaintiff’s motion for temporary restraining order. Plaintiff and Plaintiff’s counsel appeared in person, and Defendant Tim Fortier attended by telephone. Defendant Tim Fortier stated that he was able to act as a representative of Defendant Folio Café, LLC. He also

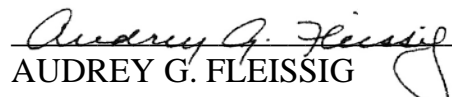
informed the Court that his wife, Defendant Catherine Fortier, declined to participate in the hearing. The parties informed the Court that they had reached a tentative resolution of the matter and requested that Plaintiff's motion for temporary restraining order be withdrawn while the parties finalize settlement.

Accordingly,

IT IS HEREBY ORDERED that the Temporary Restraining Order issued on November 28, 2017, is **VACATED** in light of Plaintiff withdrawing his motion for temporary restraining order.

IT IS FURTHER ORDERED that this matter is **STAYED** as to Defendant Tim Fortier in light of the automatic stay in place during his bankruptcy proceeding.

IT IS FINALLY ORDERED that all proceedings in this matter are **STAYED**. The parties shall file, on or before **January 2, 2017**, dismissal papers dismissing the case. Failure to comply may result in the dismissal of the case by the Court.


AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 30th day of November, 2017.