

FILED

OCT 07 2019

Clerk, U S District Court
District Of Montana
Billings**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

Talen Montana Retirement Plan, et al.,

Case No. 1:18-cv-00174-SPW

Plaintiffs,

v.

**ORDER STAYING THE
REMAND ORDER PENDING
APPEAL**

PPL Corporation, et al.,

Defendants.

Pursuant to the Parties Stipulation for Stay of the Remand Order Pending Appeal and good cause appearing,


IT IS HEREBY ORDERED as follows:

1. This Court's Order entered September 16, 2019, remanding this action to the Montana Sixteenth Judicial District Court, Rosebud County, shall be stayed for a period of 60 days from the date that Defendants filed a petition for permission to appeal to the Ninth Circuit.
2. If the Ninth Circuit denies Defendants' petition in less than 60 days, the stay shall expire on the date of such decision. If the Ninth Circuit issues no decision within 60 days or if the Ninth Circuit grants Defendants' petition, the stay shall expire on the 60th day, provided further the parties will confer to address a renewal of the stay. Absent

agreement of the Parties then Defendants may seek a stay from the Court.

3. When the stay expires or is lifted by order of this Court or the Ninth Circuit, Plaintiffs shall file an amended complaint within 5 business days.
4. Plaintiffs may use in this action Defendants' responses to jurisdictional discovery from the action *Talen Montana, LLC v. PPL Corporation, et al.*, No. CDV 2018-1299, Montana First Judicial District Court, Lewis and Clark County. Any use of these materials is subject to the same objections and confidentiality parameters under which they were originally provided.
5. Defendants do not waive, and continue to reserve, all defenses to the complaint.
6. The stay provided for herein is without prejudice to the parties' rights to agree to, seek or oppose further extensions.

DATED this 7th day of October, 2019.


SUSAN P. WATTERS
United States District Judge