

FILED

OCT 30 2017

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

MONTANORE MINERALS CORP.,

CV 13-133-M-DLC

Plaintiff,

ORDER

vs.

Easements and Rights of Way under, through and across those certain unpatented lode mining claims located in the NE1/4 and the NW1/4 of Section 15, Township 27 North, Range 31 West, Lincoln County, Montana, and identified as POPS 12, POPS 13, POPS 14 and POPS 15; ARNOLD BAKIE; FRANK DUVAL; OPTIMA, INC.; UNKNOWN OWNERS; and all other persons, unknown, claiming or who might claim any right, title estate, or interest in or lien on encumbrance to the unpatented load mining claims described above or any cloud upon title thereto, whether such claim or possible claim be present or contingent,

Defendants.

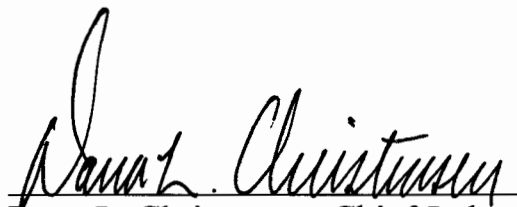
This matter comes before the Court upon Plaintiff Montanore Minerals Corporation's Motion for Stay. (Doc. 268.) Defendants reserve their position on this Motion. (Doc. 268 at 2.) Importantly, the Ninth Circuit Court of Appeals' Mandate directs this Court to stay federal proceedings on this matter pending

resolution in state court. (Docs. 258 at 18, 20; 267.) The Ninth Circuit instructed this Court to enter a stay of the proceedings rather than a dismissal so “the federal forum will remain open if for some unexpected reason the state forum . . . turns out to be inadequate.” (Doc. 258 at 18 (quoting *Attwood v. Mendocino Coast Dist. Hosp.*, 886 F.2d 241, 243 (9th Cir. 1989).) Therefore,

IT IS ORDERED that Plaintiff’s Motion for Stay (Doc. 268) is GRANTED.

IT IS FURTHER ORDERED that the parties shall provide the Court with a status report by December 29, 2017, regarding the status of the state court proceedings.

DATED this 30th day of October, 2017.



Dana L. Christensen, Chief Judge
United States District Court