

**FILED**

**DEC 06 2017**

Clerk, U.S. Courts  
District Of Montana  
Missoula Division

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.

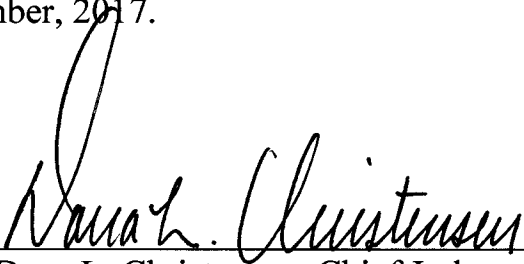
Before the Court are Defendants' Rule 54 Motion for Attorneys' Fees and Costs (Doc. 259) and Unopposed Motion for Extension of Time (Doc. 264).

Pursuant to the Ninth Circuit Court of Appeals' Mandate directing this Court to stay federal proceedings on this matter pending resolution in state court, these

Motions will be denied as moot. (Docs. 258 at 18, 20; 267.) The Ninth Circuit instructed this Court to enter a stay of the proceedings rather than a dismissal to ensure that “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, the denial of these Motions is subject to refiling should the state forum turn out to be inadequate. Accordingly,

IT IS ORDERED the Defendants’ Rule 54 Motion for Attorneys’ Fees and Costs (Doc. 259) and Unopposed Motion for Extension of Time (Doc. 264) are DENIED AS MOOT subject to refiling consistent with this Order.

DATED this 6<sup>th</sup> day of December, 2017.

  
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Dana L. Christensen, Chief Judge  
United States District Court