



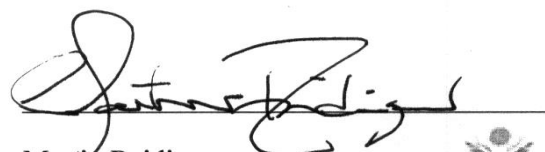
When a claim is abandoned by the trustee, the claim ceases to be a part of the bankruptcy estate and “reverts to the debtor and stands as if no bankruptcy petition was filed.” Dewsnup v. Timm, 908 F.2d 588, 590 (10<sup>th</sup> Cir. 1990). In light of the Bankruptcy Trustee’s abandonment of Defendant Eley’s third-party claims, the Court will lift the stay of this action so as to permit the prosecution of such claims.

**IT IS, THEREFORE, ORDERED** that the stay of this action is lifted with respect to Defendant Eley’s third-party claims only. This action remains stayed with respect to the Plaintiff’s claims against the Defendant.

**IT IS FURTHER ORDERED** that within fourteen (14) days of the entry of this Order, Defendant Eley shall advise the Court in writing whether he intends to pursue these third-party claims. Should the Defendant indicate that he intends to litigate such claims, the Court will enter an amended scheduling order.

**IT IS SO ORDERED.**

Signed: March 6, 2014

  
Martin Reidinger  
United States District Judge

