

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

RED ROOF INNS, INC.,

Plaintiff,

Case No. 2:10-cv-525

v.

JUDGE EDMUND A. SARGUS, JR.

A.C. FURNITURE COMPANY, INC.,

Defendant.

MAGISTRATE JUDGE TERENCE P.
KEMP

ORDER

Pursuant to the of Notice of Withdrawal of the Motion to Dismiss or in the Alternative Motion to Stay filed by Defendant A.C. Furniture (Doc. 19), and for the reasons set forth in that notice, the Court hereby **ORDERS** that A.C. Furniture's Motion to Dismiss or in the Alternative Motion to Stay (Doc. 6) be **WITHDRAWN WITHOUT PREJUDICE**, pending the outcome of settlement discussions with Plaintiff, Red Roof Inns, Inc.

A.C. Furniture shall be permitted to reactivate its Motion to Dismiss or in the Alternative Motion to Stay upon simple notice to the Court. No motion shall be required to reactivate the Motion to Dismiss or in the Alternative Motion to Stay, and no additional briefing shall be required except the additional briefing regarding *Colorado River* abstention previously ordered by the Court in its March 2, 2011 Order.

IT IS SO ORDERED.

3-9-2011
DATED


EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE