

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PHILIP POWERS,
MARC GOODELL,
CHAD WERTH,
ROSS BLAKLEY and
DOMINICK P. TUCKER,
on behalf of themselves and a
class of employees and/or former
employees similarly situated,

Plaintiffs,

v.

CHARTER COMMUNICATIONS, LLC.,
and CHARTER COMMUNICATIONS,
INC.,

Defendants.

ORDER

08-cv-512-bbc

After the parties advised the court that defendants were filing for bankruptcy, I dismissed this case without prejudice, subject to the condition that the order of dismissal would be vacated in the event the bankruptcy proceeding was terminated without disposing of the rights of the parties in this case or a timely request was made by any party to vacate the order to dismiss or for any other reason necessary to prevent manifest injustice. I added that if the order was vacated, the parties would have all such rights as if the case had not been dismissed. Plaintiffs have now moved to vacate the order of dismissal out of concern

that the dismissal order may adversely affect claims of putative class members if the statute of limitations runs on their claims before the bankruptcy proceeding is concluded. Defendants oppose the motion to vacate.

Although I have doubts that the order of dismissal will have any effect upon the rights of the parties, I am willing to vacate the order of dismissal but continue the stay in the case, as defendants request. Instead of dismissing the case, I will close it administratively, subject to reopening by any party on the grounds stated in the February 23, 2009 order.

ORDER

IT IS ORDERED that the order of dismissal entered February 23, 2009 is VACATED and this case is stayed and closed administratively, subject to reopening if the bankruptcy proceeding is terminated without disposing of the rights of the parties in this case or if a timely request is made by any party to vacate the order to stay or for any other reasons to prevent manifest injustice.

Entered this 31st day of March, 2009.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge