

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

TOM'S AUTO CLINIC OF MADISON, INC.;
MARY LYNN FRANZEN, INDIVIDUALLY AND AS
THE PERSONAL REPRESENTATIVE OF THE
ESTATE OF THOMAS J. CONKEY; DANE
COUNTY; and THE CITY OF MADISON,

Defendants.

ORDER

17-cv-546-bbc

Counsel for defendant Mary Lynn Franzen has advised the court that she has filed for bankruptcy. Because the proceedings in bankruptcy may dispose of the government's claims against Franzen, IT IS ORDERED that Franzen is DISMISSED without prejudice as a party to this lawsuit, subject to the condition that this order of dismissal shall be vacated in the event that her bankruptcy proceeding is terminated without disposing of the rights of the parties in this case, or a timely request is made by either party to vacate this order to dismiss without prejudice, or for any other reason necessary to prevent manifest injustice. In the event that this order of dismissal is vacated, the parties shall have all such rights as if this case had not been dismissed.

Further, IT IS ORDERED that plaintiff shall have until October 20, 2017 to advise

the court if the entire case should be dismissed or stayed pending the bankruptcy proceedings in light of the government's position that Franzen is the alter ego of Tom's Auto Clinic of Madison, Inc. Defendants have until October 27, 2017 to respond.

Entered this 12th day of October, 2017.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge