

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

FLEMING COMPANIES, INC.,

Plaintiff,

v.

KRIST OIL CO., INC.,

Defendant.

ORDER

03-C-221-C

A hearing was held by telephone in this case on October 22, 2003, on defendant Krist Oil Co., Inc.'s motion for a stay of all proceedings in this matter. Defendant wants an opportunity to obtain relief from the automatic stay in bankruptcy to allow defendant to pursue counterclaims against plaintiff in this case. Plaintiff was represented by Valerie Bailey-Rihn. Defendant was represented by Susan Douglas MacGregor.

After hearing argument, I granted the motion for a stay not to exceed sixty days or a ruling on the lifting of the stay, whichever comes first. Defendant's counsel is to advise the court no later than November 21, 2003, of the status of its efforts to obtain relief from the automatic stay.

Because plaintiff's counsel had already purchased an airplane ticket for the taking of a deposition that will not be held in light of the stay, I ordered defendant to reimburse plaintiff's counsel for the cost of the ticket to the extent that plaintiff's counsel cannot recoup the costs from the airline.

Counsel agreed to work together to decide whether certain documentary exhibits would be exchanged during the period of the stay of proceedings. Counsel agreed that this exchange of documents would not be a violation of the stay ordered by the court. A new scheduling conference will be held if the case goes forward in this court.

Entered this 24th day of October, 2003.

BY THE COURT:

BARBARA B. CRABB
District Judge