

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

JIM CARTER FORD, INC.
and JAMES C. CARTER,

Plaintiffs,

v.

FORD MOTOR COMPANY,

Defendant.

ORDER

04-C-0214-C

This is a civil case for money damages arising out of defendant Ford Motor Company's refusal to approve a proposed transfer of the stock of plaintiff Jim Carter Ford, Inc. to Keith Kocourek. Diversity jurisdiction is asserted. 28 U.S.C. § 1332. The case is before the court on plaintiffs' motion to stay proceedings in this court until the parties have pursued all of their state court remedies. Defendant argues that the case should be dismissed without prejudice for lack of subject matter jurisdiction, on the ground that it is not ripe and will not be ripe until the parties have completed their appeals of the administrative decision of the Wisconsin Division of Hearings and Appeals. Defendant has represented to the court and to opposing counsel that it agrees to the tolling of the statute of limitations and any

laches defenses until 30 days after all possible avenues of appeal and all state court proceedings between the parties are exhausted or final or both.

Under the circumstances, with both parties in agreement that this court cannot take any significant action on the case until the state proceedings are correct and defendant having represented that it will not assert any statute of limitations or laches defenses while any state court proceedings are unresolved, it is appropriate to close the case administratively and without prejudice, subject to reopening by either party at any time for good cause shown, including the completion of the state court proceedings. Upon reopening, the court will consult with the parties to determine what additional steps need to be taken to resolve the issues remaining to be decided in this court.

ORDER

IT IS ORDERED that this case is closed administratively and without prejudice, subject to reopening by any party at any time for good cause shown.

Entered this 5th day of January, 2005.

BY THE COURT:

BARBARA B. CRABB
District Judge