

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

MERCHANT CAPITAL, LLC.,
MH PRIVATE EQUITY FUND, LLC.,
PRIVATE EQUITY FUND II, LLC.,
MENARD, INC., NEW SUNSHINE, LLC.,
AUSTRALIAN GOLD, LLC.,
MH INVESTORS SATELLITE, LLC.,
MH INVESTORS UNITED, LLC.,
UNITED MARKETING GROUP, LLC.,

Plaintiffs,

v.

MH EQUITY MANAGING MEMBER, LLC.,
MH EQUITY MANAGING MEMBER, II., LLC.,
STEPHEN C. HILBERT, JAMES ADAMS,
ROLLIN DICK, RONALD GERWIG,
RUSSELL MAYERFELD, MH PRIVATE
EQUITY FUND, LLC., and
MH PRIVATE EQUITY FUND, II., LLC.,

Defendants.

ORDER

13-cv-416-bbc

This case is stalled in a mire of motions to determine whether it should be tried in this federal court, in the Circuit Court for Eau Claire County (where it was filed originally) or in the United States District Court for the Southern District of Indiana. The parties have filed motions to abstain and remand, to dismiss on the ground of lack of personal jurisdiction over defendant Rollin Dick and defendant James Adams and to transfer the case to the Indiana federal court.

By stipulation, plaintiffs have agreed with defendant Dick that the court should decide the motion to abstain and remand immediately, stay briefing on Dick's motion to dismiss until the motion to abstain and remand has been decided and extend the deadline for plaintiffs' response to Dick's alternative motion to transfer venue. Stip., dkt. #39. If the court were less busy, this stipulation might be acceptable; in the present circumstances, the best use of the court's resources is to decide all the jurisdictional motions at one time. Therefore, the parties' stipulation will be approved in part but denied in the main.

ORDER

IT IS ORDERED that the parties' stipulation, dkt. #39, is granted in part and denied in part, as follows. Briefing will proceed on defendant Dick's motions to dismiss or to transfer venue, dkt. #35, and on the motion to transfer filed by defendant James Adams, dkt. #40. On defendant Dick's motion, plaintiffs may have until October 21, 2013 in which to respond to the motion, as the parties have agreed. Defendant Dick may have until October 31, 2013 to file his reply brief. On James Adams's motion to dismiss or transfer,

dk. #40, the parties are to follow the electronically generated briefing schedule (response brief due October 7, 2013; reply brief due October 17, 2013).

Entered this 17th day of September, 2013.

BY THE COURT:

BARBARA B. CRABB
District Judge