

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1
Eastern Division**

Joe D. Fulton, et al.

Plaintiff,

v.

Case No.: 1:22–cv–01030

Honorable Nancy L. Maldonado

David Fensler, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Thursday, May 30, 2024:

MINUTE entry before the Honorable Nancy L. Maldonado: Defendant Fernandez and Meyers' unopposed motion to continue [232] and their corrected motion [233] are granted. Given that the Secretary and IF do not oppose the request, the Court finds it appropriate to stay all filing deadlines for objections and briefing on the IF's notice of termination and proposed liquidation plan until disposition of the pending appeal, as the Seventh Circuit's decision could result in complete disposition of this case. Further, while Defendants only request a continuance of the discovery schedule for 90 days, the Court finds that a complete stay of the case is warranted, including briefing on the pending motion to dismiss. The case is therefore stayed, including all pending discovery and briefing deadlines and any notice or objections on the IF's plan. The Court will set a revised schedule, if necessary, after the appeal is resolved. (ca,)

ATTENTION: This notice is being sent pursuant to Rule 77(d) of the Federal Rules of Civil Procedure or Rule 49(c) of the Federal Rules of Criminal Procedure. It was generated by CM/ECF, the automated docketing system used to maintain the civil and criminal dockets of this District. If a minute order or other document is enclosed, please refer to it for additional information.

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Case No.: 1:22-cv-01030

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David Fensler, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Friday, May 31, 2024:

MINUTE entry before the Honorable Nancy L. Maldonado: The Court is in receipt of the IF's response [234]. The Court is concerned by the statement that Defendants Meyers and Fernandez misstated the IF's position in their motion; counsel for defendants should be taking extreme care to ensure filings are accurate and correctly reflect statements from other parties, and a statement that a party "takes no position" on a motion is not the same thing as saying the party does not oppose, which might implicitly suggest agreement. In any event, the Court still finds the stay warranted, given the lack of opposition from the Secretary and that the appeal may resolve the case. The minute order at [235] is amended to reflect that the IF simply takes no position on the motion to stay. On the issue of cost of notice: the Court does not find additional post-card notice of the stay is necessary at this time, and it is sufficient for the website established by the IF to be updated to reflect the stay, and to indicate that if the stay is lifted, a revised schedule for objections will be entered. The Court will address the appropriate notice procedures with the parties after the appeal is resolved, including who will pay for notice.(ca,)

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