

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-02969-PAB-KLM

ELECTRONIC PAYMENT SYSTEMS, LLC,

Plaintiff,

v.

DAVID HOMOKI d/b/a Global Check Services, and  
GLOBAL CHECK SERVICES, INC.,

Defendants.

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**MINUTE ORDER**

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**Entered by Judge Philip A. Brimmer**

On September 21, 2012, the Court ordered the parties to show cause [Docket No. 24] on or before September 26, 2012 why defendants' motion to dismiss [Docket No. 10] should not be denied without prejudice and why this case should not be administratively closed in light of an order from the Fifth Circuit enjoining the parties from litigating this case. Defendants do not oppose the denial of their motion to dismiss without prejudice to the right to re-file the motion if the case is reopened. Plaintiff filed no response to the order to show cause. Therefore, it is

**ORDERED** that defendants' motion to dismiss [Docket No. 10] is denied without prejudice to re-filing upon any later reopening of this case. It is further

**ORDERED** that this case is administratively closed pursuant to D.C.COLO.LCivR 41.2. Either party may seek to reopen the case for good cause. In the absence of a request to reopen or to extend the administrative closure, this case will be dismissed in its entirety six months from the entry of this order.

DATED September 28, 2012.