IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

DEFENDANTS.)	
SUNDANCE SAUNA, INC., et al.,)	
)	
vs.)	CASE NO. 04-2597-KHV
PLAINTIFF,	Ó	
BONLIGITI BAOTAIS, ITC.	,)	
SUNLIGHT SAUNAS, INC.)	

ORDER

On January 4, 2005, the court held a second final pretrial conference in this case by telephone. Plaintiff, Sunlight Saunas, Inc., appeared through counsel, Kenneth P. Kula. Defendant Sundance Sauna, Inc. appeared through counsel, David Hauber. Defendant Brighton Sauna, Inc. appeared through counsel, Tim Finnerty. Counter-Plaintiffs Sundance Sauna, Inc. and Brighton Sauna, Inc. appeared through counsel, Rebecca Stroder. Defendants Preston Hall and Cobalt Multimedia appeared through counsel Leslie Lawson.

During the conference, the court considered plaintiff's motion for findings of fact as a matter of law (Doc.167) and announced to the parties that it did not believe circumstances were appropriate to make findings with regard to contested facts at that time and in the manner proposed by plaintiff's motion. Defendant Brighton then requested that the parties be allowed additional time to confer in an attempt to formulate additional stipulations, including the items sought as factual findings by plaintiff's motion and additional items sought by defendants. The court granted defendant Brighton's request and directed the parties to confer and report back regarding additional stipulations by the close of business on January 9, 2006.

On January 9, 2006, the parties submitted a revised version of their proposed pretrial order, which incorporated additional stipulations. With this submission, combined with the court's earlier announcement that it would not make findings with regard to contested facts at this time and in this manner, the court finds that there are no remaining issues that may appropriately be adjudicated with regard to plaintiff's motion for findings of fact as a matter of law, and that said motion is now moot. The court will proceed with

consideration of the parties' proposed pretrial order and will enter that order upon completion of its review.

IT IS THEREFORE ORDERED that plaintiff's motion for findings of fact as a matter of law (Doc.167) is hereby found to be moot.

IT IS SO ORDERED.

Dated this 10th day of January, 2006, at Topeka, Kansas.

s/K. Gary Sebelius K. Gary Sebelius U.S. Magistrate Judge