

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

DEAN CAMPBELL and DC
COMPASS, L.L.C.,

Plaintiffs,

v.

Case No. 04-4108-JWL

BANK OF AMERICA, N.A.,
PRIVATE BANK REAL ESTATE
ADVISORY SERVICES,

Defendant.

BANK OF AMERICA, N.A.,
PRIVATE BANK REAL ESTATE
ADVISORY SERVICES,

Third Party Plaintiff,

v.

JOHN TERZAKIS; RUDY MULDER;
ROXANNE GARDNER; URBAN INVESTMENT
TRUST, INC.; DUNDEE 53, LLC; MASTER DUNDEE
53, LLC; MANAGER DUNDEE 53, LLC;
CENTERPOINT PROPERTIES TRUST; THOMAS
P. LOWRY & ASSOCIATES, LTD.; DUNDEE, Inc.;
DUNDEE 53, INC.; TAX DEFERRED SERVICES,
LLC;

Third Party Defendants.

**ORDER GRANTING IN PART AND DENYING IN PART DEFENDANT'S MOTION TO
STAY LITIGATION**

This matter comes before the court on the defendant Bank of America, N.A., Private Bank Real Estate Advisory Services's Motion to Stay Third Party Proceedings (Doc. 79). On **November 7, 2005**,

the court held a telephone hearing on this matter. Plaintiff Dean Campbell and DC Compass Dundee, L.L.C. appeared by and through counsel Tom Lemon. Defendant Bank of America, N.A., Private Bank Real Estate Advisory Services appeared by and through counsel Kevin Mason and Todd Ruskamp. Third Party Defendants John Terzakis, Roxanne Gardner, Urban Investment Trust, Inc., and Dundee 53, L.L.C. appeared by and through counsel Tom Beall. Third party Defendant Centerpoint Properties Trust appeared by and through counsel, Michael Weininger and Katherine Scorza. For good cause shown,

IT IS THEREFORE ORDERED:

1. Defendant Bank of America, N.A., shall file its responses to all pending motions to dismiss instant;
2. Third Party Defendant Dundee 53 shall file an answer or otherwise plead by **November 17, 2005**;
3. Pending resolution of the motions to dismiss, all discovery-related activities are hereby **STAYED** for sixty (60) days; and
4. The court hereby sets a Telephone Status Conference in this matter for **January 6, 2006, at 1:30 p.m.** before U.S. Magistrate Judge K. Gary Sebelius. The court shall initiate the call. The parties, on or before **December 30, 2005**, shall submit to the court by email, fax, or mail a brief status report discussing the status of this matter, as well as any other matter that may influence the scheduling of this case in this court.

IT IS SO ORDERED.

Dated this 7th day of November, 2005, at Topeka, Kansas.

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