

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

ERIC C. RAJALA,
Trustee in Bankruptcy for the Estate of
Generation Resources Holding Company,
LLC

Plaintiff,

vs.

Case No. 09-2482-EFM

ROBERT H. GARDNER, et al.

Defendants.

ERIC C. RAJALA,
Trustee in Bankruptcy for the Estate of
Generation Resources Holding Company,
LLC

Plaintiff,

Case No. 10-2243-EFM

vs.

LOOKOUT WINDPOWER, LLC, et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Motion for a Temporary Restraining Order, for a Preliminary Injunction or, Alternatively an Order that Collateral Estoppel Does Not Apply (Doc. 119). The Court held a hearing on May 19, 2011, and the Court issued its ruling from the bench denying Plaintiff's motion.

Plaintiff Eric Rajala, the Trustee for the bankruptcy estate of Generation Resources Holding Company, LLC (GRHC), seeks a temporary restraining order or preliminary injunction from this Court. In the Western District of Pennsylvania, a trial is scheduled to begin next week involving several of the Defendants in this case.¹ Plaintiff, in essence, requests this Court to stay that proceeding because he believes the proceeds from the contract at issue is property of the bankruptcy estate and relates to the case before the undersigned Judge. Plaintiff also requests, in the alternative to a temporary restraining order or preliminary injunction, a ruling that any judgment obtained in the Pennsylvania court cannot collaterally estop any part of Plaintiff's claims in this case.

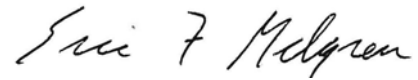
The Court denied Plaintiff's motion from the bench, and the reasoning for the Court's order is on the record. To summarize the Court's holding, it denied Plaintiff's motion for a temporary restraining order or preliminary injunction because the Court does not believe it has the jurisdiction to stay a proceeding occurring in another federal district court (the Western District of Pennsylvania). Furthermore, the Court does not believe it has the jurisdiction to issue an order that collateral estoppel does not apply to this case because a judgment has not yet been issued in the Pennsylvania case, and to rule that collateral estoppel does not apply would be an advisory opinion.

IT IS ACCORDINGLY ORDERED that Plaintiff's Motion for a Temporary Restraining Order, for a Preliminary Injunction or, Alternatively Order that Collateral Estoppel Does Not Apply (Doc. 119) is **DENIED**.

¹The Court will not set forth the facts and how the parties are related in this Order. Suffice to say, it is complicated.

IT IS SO ORDERED.

Dated this 20th day of May, 2011.

A handwritten signature in black ink, reading "Eric F. Melgren". The signature is written in a cursive, flowing style.

ERIC F. MELGREN
UNITED STATES DISTRICT JUDGE