

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

ARCELORMITTAL TUBULAR PRODUCTS)	
MARION INC.,)	
)	
Plaintiff,)	
v.)	Case No. 10-1019-JTM-DWB
)	
SUPERIOR BOILER WORKS, INC.)	
)	
Defendant)	

AGREED ORDER TO STAY PROCEEDINGS

This matter comes before the Court upon the Joint Motion of Plaintiff ArcelorMittal Tubular Products Marion Inc. ("Plaintiff") and Defendant Superior Boiler Works, Inc. ("Defendant") for an Order staying all proceedings pending compliance with terms of a settlement agreement entered into by the parties. (Doc. 9.) Plaintiff appears by and through its attorney, Darrell L. Warta of Foulston Siefkin LLP. Defendant appears by and through its attorneys, Mary M. McPheeters and Brad A. Vining of Stinson Morrison Hecker LLP. There are no other appearances.

After reviewing the pleadings and being advised that the parties to this action have entered into a settlement agreement, the Court makes the following findings:

1. The parties entered into a settlement agreement in which Plaintiff agreed not to pursue judgment in the pending matter conditioned upon Defendant's timely payments pursuant to the terms of the settlement agreement
2. Assuming all payments are made in accordance with the terms of the settlement agreement, this matter will be resolved by May 31, 2011.

IT IS THEREFORE BY THE COURT ORDERED AND DECREED that the above findings are hereby made the Order of this Court.

IT IS FURTHER ORDERED that all proceedings in this action, including, but not limited to, any Rule 26 status conference and any answer deadlines, shall be STAYED until the earlier of (1) the completion of all payments required pursuant to the terms of the settlement agreement or (2) Defendant's default pursuant to the terms of the settlement agreement. IT IS FURTHER ORDERED that counsel for the parties shall report to the Court concerning the occurrence of either of the above events so that the Court may either enter an appropriate order of dismissal or set the matter for a scheduling conference to prepare the case for trial.

IT IS SO ORDERED.

Dated this 9th day of April, 2010.

s/ DONALD W. BOSTWICK
U.S. MAGISTRATE JUDGE

AGREED TO BY:

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