IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02646-REB-MEH

B & R PLASTICS, INC.,

Plaintiff,

v.

KIKKERLAND DESIGN, INC.; BED, BATH & BEYOND, INC.; LTD COMMODITIES, LLC, d/b/a ABC Distributing, THE HOME DEPOT, INC.; CRATE & BARREL HOLDINGS, INC., THE AFTERNOON, INC.; YOLK INDUSTRIES; AMAZON.COM, INC.; QVC, INC., a subsidiary of Liberty Mutual Corporation; GARY URDANG, an individual and d/b/a ALWAYS SOMETHING BRILLIANT; THE SPORTSMAN'S GUIDE, INC., CARMEL BAY COMPANY; and METRO MARKET SALES INC.

Defendants.

KIKKERLAND DESIGN, INC.'S UNOPPOSED MOTION FOR CLARIFICATION RE. STAY OF DEADLINES PENDING DETERMINATION OF STATUS

Defendant Kikkerland Design, Inc. ("Kikkerland"), through counsel, hereby submits its unopposed motion for clarification regarding this Court's December 11, 2009 Minute Order staying all existing deadlines in this matter in light of the ITC action, and in support hereof, state as follows:

1. On December 4, 2009, Plaintiff B&R Plastics, Inc. filed a complaint with the International Trade Commission regarding certain foldable stools, Investigation No. 337-TA-693 (the "ITC Action"). The stools complained of in the ITC Action are the same as those which are the subject of this proceeding.

2. On December 9, 2009, Kikkerland filed its Unopposed Motion to Stay Proceedings (Docket No. 111), requesting a mandatory stay of the U.S. District Court proceeding under Section 1659(a).

3. This Court held a telephonic status conference on December 11, 2009, at which time the Magistrate Judge stayed all discovery deadlines in this matter pending a ruling on Kikkerland's motion for stay (Docket No. 114). The Magistrate Judge orally indicated that all deadlines in this matter would be stayed pending a ruling on Kikkerland's Motion for Stay.

4. Pursuant to Kikkerland's Agreed Motion for Extension of Time to Answer B&R's Amended Complaint (Docket No. 90) and the Order granting that motion (Docket No. 97), Kikkerland's answer and the answers or responsive pleadings to be filed by any other new defendant seeking defense and indemnification from Kikkerland are due December 15, 2009.

5. Counsel for B&R Plastics concurs with counsel for Kikkerland that the stay of deadlines was intended to include the enlarged deadline to answer the amended complaint with respect to Kikkerland and any indemnitees of Kikkerland. However, the Minute Order did not specifically reference the December 15, 2009 deadline.

WHEREFORE, Kikkerland requests that this Court clarify its December 11, 2009 order to stay all deadlines to also specifically include the enlarged deadline for Kikkerland and its indemnities to file their answer or other responsive pleading until such time as this Court rules on the Unopposed Motion to Stay Proceedings.

Dated: December 15, 2009

POLSINELLI SHUGHART, P.C.

s/ Glenn L. Lenzen

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 15th day of December, 2009, a true and correct copy of the foregoing **KIKKERLAND DESIGN, INC.'S UNOPPOSED MOTION FOR CLARIFICATION RE. STAY OF DEADLINES PENDING DETERMINATION OF STATUS** was served via e-mail transmission, addressed to the following:

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s/ Carol Christman