



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-12-00480-CV

**INITIATIVES HEALTHCARE, INC., A DELAWARE CORPORATION, INITIATIVES
HEALTHCARE, LLC, A DELAWARE LIMITED LIABILITY COMPANY, ET AL.,
APPELLANTS**

V.

DIVLEND EQUIPMENT LEASING, L.L.C., APPELLEE

**On Appeal from the 72nd District Court
Lubbock County, Texas
Trial Court No. 2012-502,283, Honorable Ruben Gonzales Reyes, Presiding**

May 8, 2013

ORDER ON NOTICE OF BANKRUPTCY

Before CAMPBELL AND HANCOCK AND PIRTLE, JJ.

This is an accelerated appeal from the trial court's interlocutory order denying special appearances filed by Appellants,¹ Initiatives Healthcare, Inc., Initiatives Healthcare, LLC, John Edward McEachern, Dario Lorenzo Lizarraga, Michael F. Boyer, and Gary Faulkner in a suit brought by Appellee, Divlend Equipment Leasing,

¹See TEX. CIV. PRAC. & REM. CODE ANN. § 51.014(a)(7) (WEST SUPP. 2012).

L.L.C. on guaranty agreements executed by Appellants. The clerk's record and briefs have been filed.

On April 22, 2013, Faulkner filed a Notice of Bankruptcy in this Court accompanied by a copy of the first page of his voluntary petition for bankruptcy which shows that on that same date, he filed for bankruptcy under chapter 7 of the United States Bankruptcy Code in Case No. 4:13-bk-06419. The proceeding was filed in the United States Bankruptcy Court for the District of Arizona and is styled *Gary L. Faulkner and Nancy Jo Zinda, Debtors*.

Pursuant to 11 U.S.C. § 362, an automatic stay is imposed prohibiting the continuation of any judicial action or proceeding against a debtor. Per Rule 8.2 of the Texas Rules of Appellate Procedure, this appeal is suspended as to all parties. For administrative purposes, the appeal is removed from this Court's docket and abated. Any documents filed subsequent to the bankruptcy petition will remain pending until such time as the appeal is reinstated.

The parties are directed to take appropriate action to advise the Clerk of this Court of any change in the status of Faulkner's bankruptcy proceeding which would affect this appeal. This appeal will be reinstated upon proper motion showing that the stay has been lifted or terminated by the United States Bankruptcy Court for the District of Arizona. A certified copy of the order lifting or terminating the stay must be attached to that motion. See Tex. R. App. P. 8.3(a).

A party may move to sever the appeal with respect to the bankrupt party and reinstate the appeal with respect to the other parties in accordance with federal law. See Tex. R. App. P. 8.3(b).

Per Curiam