

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

E.J. SAAD, P.C. a/k/a E.J. Saad Law Firm,)

Plaintiff,)

v.) CIVIL ACTION NO. 12-0018-KD-N

HINKLE METALS & SUPPLY CO., INC.,)

DEPARTMENT OF THE TREASURY)

INTERNAL REVENUE SERVICE,)

and BANCORPSOUTH BANK, INC.,)

Defendants.)

ORDER

This action is before the Court on the Joint Response to Order to Show Cause by United States of America, Hinkle Metals & Supply Co., Inc., and BancCorpSouth Bank, Inc. (Doc. 36). Defendants report that Air Comfort Company, Inc., has filed a Chapter 7 Bankruptcy petition and that the funds paid into Court by plaintiff E.J. Saad, P.C., are property of the bankruptcy estate. The parties assert that as such property, the funds and any proceeding as to the funds are subject to the automatic stay provision in 11 U.S.C. § 362(a)(3). Defendants explain that the United States intends to seek relief from the automatic stay in the Bankruptcy Court. However, to prevent violating the automatic stay, they believe it prudent to delay further proceedings pending a decision by the Bankruptcy Court on the motion for relief from the automatic stay or a decision by this Court as to whether the automatic stay applies in this action.

Upon consideration, the Court finds that the automatic stay provision in 11 U.S.C. § 362(a)(3) bars further proceedings in this action. Accordingly, this action is **STAYED** due to the pendency of the bankruptcy proceedings. Defendants are **ORDERED** to file a status report on or before **November 7, 2012**, to advise the Court as to the status of the bankruptcy and the status

of this litigation.

Further, there is no reason to maintain this action as open for statistical purposes. Therefore, the Clerk of the Court is **directed** to take the necessary action to close this action for statistical purposes.

DONE and **ORDERED** this the 7th day of August, 2012.

s / Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE