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

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Best Western International, Inc., )

No. CV10-0740 PHX DGC

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Plaintiff, )

11

vs. )

**ORDER**

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Fish Creek Holdings, LLC, et al., )

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Defendant. )

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Plaintiff moves for default judgment against Defendant Fish Creek Holdings, LLC (“Fish Creek”). Doc. 25. Plaintiff concedes that Defendant Sue Martinsen and her husband, Henry Martinsen, Sr., have recently filed for bankruptcy. *Id.* Plaintiff’s complaint also identifies Henry Martinsen as the “owner” of Fish Creek. Doc. 1 at 8. The automatic stay of the bankruptcy code applies to actions that seek to exercise control over property of a bankruptcy debtor’s estate. 11 U.S.C. § 362(a). To the extent Fish Creek represents property of the debtors’ estate, Plaintiff’s motion for default judgment runs counter to § 362. Plaintiff cites no law to the contrary. The motion for default judgment will therefore be denied without prejudice.

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**IT IS ORDERED:**

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1. Plaintiff’s motion for default judgment (Doc. 25) is **denied**.

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2. Plaintiff shall file by **February 22, 2011** a brief memorandum showing good

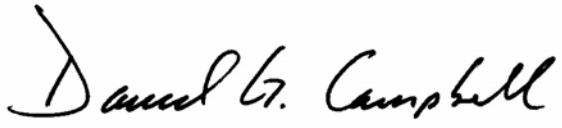
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cause why this case should not be dismissed and its claims as to each defendant addressed in the bankruptcy adversary action.

DATED this 7th day of February, 2011.



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David G. Campbell  
United States District Judge