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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Dean G Cameron,

10 Plaintiff,

11 v.

12 Avalon Mobility Incorporated, et al.,

13 Defendants.
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No. CV-15-00963-PHX-JAT

ORDER

15 On January 25, 2018, Defendant Avalon Mobility Incorporated (“Avalon”) filed a
16 Notice that the company has filed bankruptcy. (Doc. 68). The automatic stay is therefore
17 in place for Avalon.

18 Also on January 25, 2018, Defendants filed a notice that Defendant Scott Huffman
19 is deceased. (Doc. 69). Plaintiff must comply with Federal Rule of Civil Procedure 25(a)
20 (including the deadlines therein), or Scott Huffman will be dismissed.

21 Finally, Defendants move to vacate the trial date as to Defendant Brenda Huffman
22 arguing that the stay of Avalon should be extended to include her. (Doc. 69). A
23 bankruptcy court may extend the automatic stay to a proceeding against codefendants of
24 the Debtor when “the claims against them and the claims against the debtor are so
25 inextricably interwoven, presenting common questions of law and fact, which can be
26 resolved in one proceeding.” *In re Ionosphere Clubs, Inc.*, 111 B.R. 423, 434 (Bankr.
27 S.D.N.Y. 1990) (internal quotations omitted). The party seeking to extend the stay must
28 “affirmatively seek an order from the *bankruptcy court*, which has authority to extend the

1 protections of 362(a) pursuant to its equity powers under section 105." *C.H. Robinson*
2 *Company v. Paris & Sons, Inc.*, 180 F.Supp.2d 1002, 1018 (N.D. Iowa 2001) (emphasis
3 added). In this case, there is no evidence that the Bankruptcy Court has extended the
4 stay to Defendant Brenda Huffman; therefore the request to vacate the trial date as to
5 Brenda Huffman is denied.

6 Based on the foregoing,


7 **IT IS ORDERED** that Doc. 69 is deemed to be a notice of death of Scott
8 Huffman.

9 **IT IS FURTHER ORDERED** that the motion to vacate the trial (Doc. 69) is
10 denied as to Defendant Brenda Huffman.

11 **IT IS FURTHER ORDERED** that the trial is vacated as to Defendant Avalon.
12 The claims against defendant Avalon only are stayed and will be dismissed without
13 further notice on March 25, 2018, unless the Court is advised that the bankruptcy stay has
14 been lifted, or a request for a lifting of the bankruptcy stay has not been ruled upon by the
15 bankruptcy court.

16 Dated this 25th day of January, 2018.

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James A. Teilborg
Senior United States District Judge