

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

TEMPUR-PEDIC
INTERNATIONAL, INC.

PLAINTIFF

v.

Civil No. 07-2015

WASTE TO CHARITY, INC.; BROCO
SUPPLY, INC.; JACK FITZGERALD;
ERIC VOLOVIC; HOWARD HIRSCH;
THOMAS SCARCELLO; NELSON SILVA;
CLOSE OUT SURPLUS AND SAVINGS,
INC.; ERNEST PEIA, and ACTION
DISTRIBUTORS, INC.

DEFENDANTS

ORDER

Currently before the court are Suggestions of Bankruptcy (Docs. 230-31) filed by Separate Defendants Waste to Charity and Jack Fitzgerald. Waste to Charity and Jack Fitzgerald filed Chapter 11 bankruptcy petitions in the U.S. Bankruptcy Court for the Middle District of Florida on November 8, 2007 and September 23, 2007, respectively. (8:07bk10816 & 8:07bk8746). The Court has been advised that Separate Defendant Thomas Scarcello filed a Chapter 7 bankruptcy petition in the U.S. Bankruptcy Court for the Eastern District of Oklahoma on September 9, 2008 (08-81182). This action is therefore subject to an automatic stay under 11 U.S.C. § 362 pending the outcome of the bankruptcy proceedings. It is hereby ordered that this case be removed from the trial

docket of October 6, 2008, and administratively terminated without prejudice to the right of the parties to reopen the proceedings upon conclusion of the bankruptcy proceedings.

IT IS SO ORDERED this 24th day of September 2008.

/s/ Robert T. Dawson
Honorable Robert T. Dawson
United States District Judge