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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

**ALVIN L. SOUZA d/b/a ALVIN SOUZA)
DAIRY,)
)
) **Plaintiff,**)
) **v.**)
)
) **LUIS OLIVEIRA FERNANDES,**)
) **MARLENE FERNANDES, individually**)
) **and d/b/a FERNANDES FAMILY**)
) **JERSEYS, et. al.,**)
)
) **Defendants.**)
 _____)**

1:10-cv-832 AWI GSA
ORDER STAYING CASE
PURSUANT TO 11 U.S.C. § 362

(Doc. Nos. 18, 19)

On October 12, 2010, Defendants Luis Oliveira Fernandes and Marlene Fernandes filed a notice of bankruptcy. See Court’s Docket Doc. Nos. 18, 19. The notices indicate that these defendants filed Chapter 7 bankruptcy on September 30, 2010. See id. The notices state that the automatic stay provisions of 11 U.S.C. § 362 apply. See id.

“When a debtor files for bankruptcy, he is immediately protected by an automatic stay under 11 U.S.C. § 362(a), which provides that a bankruptcy petition, among other things, ‘operates as a stay, applicable to all entities, of the commencement or continuation ... of a judicial, administrative, or other action or proceeding against the debtor’” Sternberg v. Johnston, 595 F.3d 937, 943 (9th Cir. 2009) (quoting 11 U.S.C. § 362(a)(1)); see Eskanos & Adler, P.C. v. Leetien, 309 F.3d 1210, 1214 (9th Cir. 2002); In re White, 186 B.R. 700, 703 (B.A.P. 9th Cir. 1995).

1 Since the case at bar is against the Fernandeses, and was filed before the September 30,
2 2010, the automatic stay of 11 U.S.C. § 362(a)(1) applies. See id. This case is stayed.

3
4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. This case is STAYED pursuant to 11 U.S.C. § 362(a)(1); and
6 2. Defendants Luis Oliveira Fernandes and Marlene Fernandes shall inform this Court,
7 within fourteen (14) days of the expiration of the stay, that the stay has expired due to the
8 occurrence of an event listed in 11 U.S.C. § 362(c).¹

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10 IT IS SO ORDERED.

11 Dated: October 14, 2010


12 _____
13 CHIEF UNITED STATES DISTRICT JUDGE

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28 ¹The failure of these Defendants to inform the Court of the expiration of the stay may result in the imposition of sanctions.