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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**BERNADETTE IRIGOYEN, personally)
and on behalf of all similarly situated,)**

Plaintiff,)

v.)

**AMERICAN BROKERS CONDUIT, ELS)
INC., JPMORGAN CHASE BANK, N.A.,)
CHASE HOME FINANCE, LLC, U.S.)
BANK NATIONAL ASSOCIATION, J.P.)
MORGAN ALTERNATIVE LOAN)
TRUST, 2007-A2, CALIFORNIA)
RECONVEYANCE COMPANY, AND)
NORTHWEST TRUSTEE SERVICES,)
INC.,)**

Defendants.)

CASE NO. 1:11-CV-1228 AWI BAM

**ACKNOWLEDGMENT OF NOTICE
OF BANKRUPTCY AND ORDER
FOR ADDITIONAL BRIEFING**

This case involves the Defendants’ foreclosure of real property owned by Plaintiff Bernadette Irigoyen. On October 11, 2011, Plaintiff filed a notice of Chapter 7 bankruptcy. Doc. 15. The automatic bankruptcy stay applies to actions “brought against the debtor.” 11 U.S.C. §362(a). The automatic stay provisions do not apply to lawsuits brought by the debtor. See Snavelly v. Miller, 397 F.3d 726, 729 (9th Cir. 2005). However, once a person files for bankruptcy, a bankruptcy estate is created and that estate includes causes of action that accrued prior to the filing of bankruptcy. See De Pomar v. Equifirst Corp., 2010 U.S. Dist. LEXIS

1 143216 (C.D. Cal. Feb. 2, 2010); Basilio v. TDR Servicing, 2009 U.S. Dist. LEXIS 120583
2 (E.D. Cal. Dec. 29, 2009). The bankruptcy trustee becomes the real party in interest with respect
3 to the bankruptcy estate assets. In order to proceed, “plaintiff would have to show that (1) her
4 claims fall under the bankruptcy exemption or (2) the bankruptcy trustee has abandoned those
5 claims.” Basilio v. TDR Servicing, 2009 U.S. Dist. LEXIS 120583, *15-16 (E.D. Cal. Dec. 29,
6 2009). In light of Plaintiff’s filing bankruptcy, the parties will be directed to file briefing
7 regarding Plaintiff’s standing to pursue this lawsuit.

8
9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. On or by November 8, 2011, Plaintiff shall address her standing to pursue this lawsuit in
11 light of her filing of bankruptcy.
- 12 2. On or by November 18, 2011, Defendants shall file a response.

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14 IT IS SO ORDERED.

15 Dated: October 27, 2011

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18 CHIEF UNITED STATES DISTRICT JUDGE
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