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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PHILLIPS 66 CO.,

Plaintiff,

v.

CALIFORNIA PRIDE, INC., et al.,
Defendants.

Case No. 1:16-cv-01102-LJO-SKO

ORDER FOR BRIEFING
(Doc. 18)

On April 4, 2017, Defendants Steven Coldren and Rebecca Coldren filed a Notice of Automatic Stay Pursuant to 11 U.S.C. § 362, in which these Defendants note that they “filed a petition for relief under provisions of Chapter 7 of Title 11, . . . Case Number 17-11261,” thereby staying this case against these Defendants pending the resolution of their bankruptcy proceedings. (Doc. 18 at 1.) However, as the third Defendant in this action—California Pride, Inc.—did not file for bankruptcy, *see* Case Number 17-11261, Doc. 1 (Bankr. E.D. Cal. Apr. 3, 2017), this action is not stayed against this entity Defendant, *see, e.g., In re Chugach Forest Prods., Inc.*, 23 F.3d 241, 246 (9th Cir. 1994) (“As a general rule, the automatic stay of section 362(a) protects only the debtor, property of the debtor or property of the estate. . . . Thus, section 362(a) does not stay actions against guarantors, sureties, corporate affiliates, or other non-debtor parties liable on the debts of the debtor.” (citation omitted)).

1 As this matter is only stayed as to two of the three Defendants in this case, the Court finds
2 that the input of the parties is warranted on how this action should proceed. In particular, the
3 Court ORDERS that, by no later than **April 24, 2017**, Plaintiff shall file a brief addressing whether
4 the Court should rule on Plaintiff’s pending Motion for Default Judgment, (Doc. 15), as to *only* the
5 non-debtor Defendant—California Pride, Inc. The Court also DIRECTS Plaintiff to address in
6 this briefing whether ruling on the Motion for Default Judgment, (*id.*), as to only California Pride,
7 Inc. would be appropriate under Federal Rule of Civil Procedure 54(b). Finally, the Court
8 ORDERS that *all* Defendants may file a response to Plaintiff’s briefing by no later than **May 1,**
9 **2017.**

10 IT IS SO ORDERED.

11 Dated: April 10, 2017

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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