

1 o

2

3

4

5

6

7

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

10

11 PINNACLE FOODS OF CALIFORNIA

12 Debtor/Appellant,

13 v.

14 POPEYES LOUISIANA KITCHEN, INC

15 Creditor/Appellee.

Case No. 1:25-cv-0132-JLT

Bankruptcy Case: 24-11015-RL

ORDER DENYING MOTION TO STAY

(Doc. 4)

18 Plaintiff has moved ex parte for a stay of ongoing bankruptcy proceedings below while  
19 this appeal is pending. (Doc. 4.) Federal Rule of Bankruptcy Procedure 8007 provides that  
20 “ordinarily” a motion to stay shall be filed “first in the bankruptcy court” unless “moving first in  
21 the bankruptcy court would be impracticable.” As the Court noted in its February 19, 2025 order,  
22 (Doc. 8 at 2), Plaintiff has not satisfied this threshold requirement; she has indicated only that it  
23 was “difficult” for counsel to file this motion in the bankruptcy court due in part to the recent  
24 wildfires in Los Angeles. (Doc. 4 at 17.) The Court indicated that “though those unfortunate  
25 circumstances help explain the delay between the ruling appealed here and the pending motion,  
26 they do not explain the choice of forum.” (Doc. 8 at 2.) The February 19 order gave Plaintiff ten  
27 days to file supplemental information regarding impracticability or withdraw the motion to stay.  
28 (*Id.*) That deadline has passed, and Plaintiff has failed to supplement the record or otherwise

1 communicate with the Court. Therefore, the motion to stay (Doc. 4) is **DENIED** without  
2 prejudice based on non-compliance with Federal Rule of Bankruptcy Procedure 8007.

3  
4 IT IS SO ORDERED.

5 Dated: March 6, 2025

  
6 Jennifer L. Thurston  
7 UNITED STATES DISTRICT JUDGE

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28