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

SUSAN JETTE, individual, )  
Plaintiff, )

2:08-cv-01767-GEB-KJN

v. )

ORDER

ORANGE COUNTY FINANCIAL, INC., a )  
corporation; MORTGAGEIT, INC., a )  
corporation; TIEMPO ESCROW II, a )  
California corporation, JERRY )  
INDES, an individual; and MR. )  
MINGUS, an individual, )  
Defendants. )

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TIEMPO ESCROW II, a California )  
corporation, )  
Cross-Claimant, )

v. )

ORANGE COUNTY FINANCIAL, INC., a )  
corporation; MORTGAGEIT, INC., a )  
corporation; JERRY INDES, an )  
individual; MR. MINGUS, an )  
individual; JOSEPHINE HANSON, an )  
individual; JAMES FIGGER, an )  
individual dba FIRMA SIGNING )  
SOLUTIONS; SURETY BONDING )  
COMPANY OF AMERICA, a South )  
Dakota corporation and DOES 1 )  
through 10, inclusive, )  
Cross-Defendants. )

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JASON GEORGE MENGES, an )  
individual, )

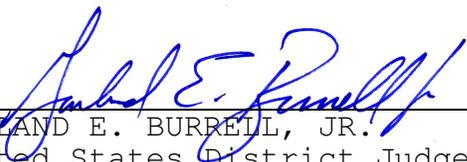


1 Hanson's Appl. for Good Faith Determination 2:19-22; Proposed Order Re  
2 Cross Def. Surety Bonding Company of America's Appl. for Good Faith  
3 Determination 2:19-22.) Firma's motion concerns a proposed settlement  
4 with Tiempo and Defendant/Cross-Claimant Jason George Menges, and  
5 includes a proposed order barring "all present and future cross-claims  
6 or complaints for [contribution or indemnity] against Firma . . . ."  
7 (Firma's Proposed Order Determining Good Faith Settlement 2:9-12.)

8           However, on November 22, 2010, Hanson filed a Chapter 7  
9 bankruptcy proceeding which stayed all claims against Hanson pursuant to  
10 11 U.S.C. § 362(a). See Bigelow v. C.I.R., 65 F.3d 127, 128 (9th Cir.  
11 1995) ("An automatic stay takes effect upon filing of a Chapter 7  
12 bankruptcy petition."). Hanson has not addressed her authority to  
13 proceed in this action in light of her bankruptcy estate. Further, it  
14 has not been shown that the scope of the other motions will not  
15 adversely affect Hanson in the future. "The automatic stay precludes  
16 this court from taking any action that may detrimentally affect  
17 [Hanson's] rights." Zimmer v. Nawabi, 2008 WL 618965, at \* 1 (E.D. Cal.,  
18 March 4, 2008) (citing Dean v. Trans World Airlines, Inc., 72 F.3d 754,  
19 756 (9th Cir. 1995)).

20           Therefore, the motions for determination of good faith  
21 settlement are denied without prejudice.

22 Dated: December 15, 2010

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26 GARLAND E. BURRELL, JR.  
27 United States District Judge  
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