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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIASECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

ROBERT OLINS, et al.,

Defendants.
_____ /

No. C-07-6423 MMC

**ORDER DEFERRING RULING ON
PLAINTIFF'S MOTION FOR DEFAULT
JUDGMENT; AFFORDING PLAINTIFF
OPPORTUNITY TO FILE
SUPPLEMENTAL MEMORANDUM;
CONTINUING HEARING**

Before the Court is plaintiff Securities and Exchange Commission's ("SEC") "Motion for Entry of Final Default Judgment against Defendant SpatiaLight, Inc.," filed December 12, 2008. No opposition has been filed.

In its motion, the SEC asserts that in its complaint, it sought "a civil monetary penalty against SpatiaLight" but that "[i]n light of the Company's bankruptcy filing . . . the [SEC] will forego seeking this monetary remedy." (See Mot. at 8 n.1.) Ordinarily, a bankruptcy petition "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." See 11 U.S.C. § 362(a)(1). Here, the SEC has failed to show that the stay provided by § 362(a)(1) either is not in effect or does not prevent the Court from entering judgment against defendant SpatiaLight, Inc. in the instant action. The Court, however, will afford the SEC an opportunity to supplement its showing on this issue.

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Accordingly, for the reasons stated above,

1. Ruling on the SEC's motion for default judgment is hereby DEFERRED. The SEC may file, no later than January 30, 2009, a supplemental memorandum in support of its motion, which memorandum shall not exceed five pages in length, independent of any declarations and/or exhibits.

2. The hearing on the SEC's motion for default judgment is hereby CONTINUED to February 20, 2009 at 9:00 a.m.¹

IT IS SO ORDERED.

Dated: January 16, 2009


MAXINE M. CHESNEY
United States District Judge

¹On January 16, 2009, the SEC filed a motion for leave to appear by telephone at the hearing on the motion for default judgment. The Court will defer ruling on such motion for leave until after the Court has had an opportunity to review the SEC's supplemental memorandum, if any.