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2 UNITED STATES DISTRICT COURT
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA
4 OAKLAND DIVISION

5 J & J SPORTS PRODUCTIONS, INC.,

6 Plaintiff,

7 vs.

8 ROMARIO SALVADOR MIRANDA,
9 individually and d/b/a WEDGE BAR,

10 Defendant.

Case No: C 10-5093 SBA

**ORDER ADMINISTRATIVELY
CLOSING ACTION**

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12 Plaintiff J & J Sports Productions, Inc., commenced the instant action against
13 Defendant Romario Salvador Miranda under the Communications Act of 1934. The
14 Complaint alleges that Defendant engaged in an unauthorized display of “Firepower:
15 Manny Pacquiao v. Miguel Cott, WBO Welterweight Championship Fight Program” at his
16 bar in Daly City, California. After the Clerk entered default against Defendant, Plaintiff
17 filed a motion for default judgment, which the Court referred to a magistrate judge for a
18 report and recommendation.

19 On August 4, 2011, Magistrate Judge Elizabeth LaPorte (“the Magistrate”) issued
20 her Report and Recommendation in which she recommended, inter alia, granting Plaintiff’s
21 motion for default judgment, but awarding damages in amounts less than Plaintiff had
22 requested. Dkt. 24. On August 18, 2011, Plaintiff J & J Sports Production’s, Inc. filed a
23 Motion for De Novo Determination of Dispositive Matter Referred to Magistrate Judge.
24 Dkt. 27.

25 The Court notes that Plaintiff has sued Defendant several times in this Court based
26 on similar conduct. In one of those actions, Plaintiff notified the Court that Defendant has
27 filed a Chapter 7 bankruptcy petition and correspondingly requested a stay of the action,
28 presumably due to the automatic stay provision of 11 U.S.C. § 362. See J & J Sports

1 Prods., Inc. v. Romarico Salvador Miranda, No. C 10-1810 JSW, Dkt. 45. Yet, Plaintiff
2 failed to similarly notify this Court of Defendant’s bankruptcy status. Indeed, Plaintiff’s
3 case management statement filed on November 9, 2011, inexplicably makes no mention of
4 Defendant’s bankruptcy. Nonetheless, the Court has reviewed the bankruptcy court’s
5 docket and has confirmed that Defendant’s bankruptcy action, In re Romarico Salvador
6 Miranda, No. 11-32593 TEC 7 (N.D. Cal. Bkrtcy. Ct.), remains pending, and there is no
7 indication that the bankruptcy court has granted any party relief from the automatic stay.
8 See Bennett v. Medtronic, Inc., 285 F.3d 801, 803 n.2 (9th Cir. 2002) (noting that a district
9 court ““may take notice of proceedings in other courts, both within and without the federal
10 judicial system, if those proceedings have a direct relation to matters at issue.””).

11 Accordingly,

12 IT IS HEREBY ORDERED THAT, in view of the automatic stay, the Clerk of the
13 Court is directed administratively to close the case for statistical purposes. The parties shall
14 notify the Court within **ten (10) days** of the lifting of the bankruptcy stay, and this matter
15 shall thereafter be reopened. The Court DENIES WITHOUT PREJUDICE Plaintiff’s
16 pending motion for default judgment and motion for de novo review of the Magistrate’s
17 report and recommendation. This Order is without prejudice to Plaintiff refiling said
18 motions after the stay is lifted. This Order terminates Docket 17, 24 and 27.

19 IT IS SO ORDERED.

20 Dated: November 14, 2011

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22 SAUNDRA BROWN ARMSTRONG
23 United States District Judge
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