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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

LAURA GENS,	Case No.: 10-CV-01073-LHK
Plaintiff,	12-CV-05947-LHK
v.	ORDER DENYING DEFENDANTS' MOTION FOR AWARD OF PRE-BANKRUPTCY ATTORNEY'S FEES WITHOUT PREJUDICE
WACHOVIA MORTGAGE CORP., et al.,	
Defendants.	

On February 1, 2013, the United States Bankruptcy Court imposed an automatic stay in the

Chapter 11 bankruptcy case of Plaintiff Laura Gens ("Plaintiff"), in the matter entitled In re Laura

Gens, United States Bankruptcy Court for the Northern District of California, Case No. 13-50106-

ASW. See ECF NO. 103 ("Notice of Automatic Stay"). The "automatic stay" pursuant to 11

U.S.C. § 362 operates as an automatic stay of the continuation of a "judicial, administrative, or

other action or proceeding" against the debtor, 11 U.S.C. § 362(a)(1), as well as an automatic stay

of acts to "collect, assess, or recover a claim" against the debtor arising prior to the application date

for the automatic stay, 11 U.S.C. § 362(a)(6). The automatic stay will remain in effect until April

15, 2013, pending a ruling on Plaintiff's motion to impose the automatic stay. Notice of Automatic

Stay at 2.

Currently before the Court is Defendants' Motion for the Award of Pre-Bankruptcy

Attorney's Fees. See ECF No. 89 ("Motion"). This Motion is subject to the automatic stay as it is

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a judicial proceeding and an act to "collect, assess, or recover a claim" against Plaintiff within the meaning of 11 U.S.C. § 362.

In light of this stay, the Court DENIES Defendants' Motion for the Award of Pre-Bankruptcy Attorney's Fees without prejudice. Defendants shall re-file their Motion after the bankruptcy stay is lifted. Once re-filed, the Court will grant Defendants an expedited hearing date.

IT IS SO ORDERED.

Dated: February 5, 2013

LUCY H. KOH
United States District Judge

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