

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

J & J SPORTS PRODUCTIONS, INC.,)	Case No.: 5:12-CV-02243-LHK
)	
Plaintiff,)	ORDER STAYING CASE AS TO
v.)	FREDIS NOEL BONILLA;
)	CONTINUING CASE MANAGEMENT
FREDIS NOEL BONILLA, individually and)	CONFERENCE
d/b/a TACOS CHOICE; and CHOICE)	
ENTERPRISE, INC., an unknown business)	
entity d/b/a TACOS CHOICE,)	
)	
Defendants.)	


Plaintiff filed a complaint on May 4, 2012, against Defendant Fredis Noel Bonilla (“Bonilla”), individually and doing business as Tacos Choice; and Defendant Choice Enterprise Inc., an unknown business entity doing business as Tacos Choice. ECF No. 1. On June 11, 2012, Plaintiff filed a notice with the Court that Defendant Bonilla has filed a voluntary petition seeking bankruptcy protection under chapter 7 of title 11 of the United States Code, 11 U.S.C. § 101 *et seq.*, in the United States Bankruptcy Court for the Northern District of California, San Jose Division. *See* ECF No. 5 & Ex. 1. Pursuant to § 362(a) of the Bankruptcy Code, the filing of a bankruptcy petition operates as an automatic stay of all pending judicial proceedings. Accordingly, this action is STAYED as to Defendant Bonilla pending resolution of the bankruptcy proceedings in Bankruptcy Court or until the Bankruptcy Court orders relief from the stay.

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Plaintiff does not appear to have served Defendant Choice Enterprise. Pursuant to Federal Rule of Civil Procedure 4(m), Plaintiff must serve all defendants within 120 days of filing the complaint. Accordingly, the case management conference presently scheduled for July 25, 2012, is continued to October 10, 2012, at 2:00 p.m. Failure to serve Defendant Choice Enterprise within 120 days of the filing of the complaint will result in dismissal of this action without prejudice pursuant to Rule 4(m).

IT IS SO ORDERED.

Dated: July 19, 2012



LUCY H. KOH
United States District Judge