

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 09-cv-02264-PAB-KMT

MADELINE ROMANIE LINDA SOESBE,

Plaintiff,

v.

BANK OF AMERICA, et al., all subdivisions, in its official and personal capacities,
BANK OF NEW YORK, et al., all subdivisions, in its official and personal capacities,
ONE WEST BANK, et al., all subdivisions, in its official and personal capacities,
HSBC BANK USA, National Association, et al., in its official and personal capacities,
MERS-MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, et al., in its official and
personal capacities,
LISA LEE JORDAN, et al., in her official and personal capacities,
FEATHERSTONE PETRIE DESISTO, LLP, et al., in his official and personal capacities, and
STATE OF COLORADO, et al., in its official and personal capacities,

Defendants.

ORDER

This matter is before the Court on “Plaintiff’s Notice of Bankruptcy” (Doc. No. 28) filed November 9, 2009. In the Notice, Plaintiff advises the Court that she filed for bankruptcy on September 30, 2009. (*Id.*) Plaintiff requests “an extension of time pursuant to Federal and State Laws.” (*Id.*)

Pursuant to this Court’s Order (Doc. No. 26), on November 23, 2009, Defendant State of Colorado submitted a “Statement Regarding Effect of Bankruptcy” to which Defendant attaches the United States Bankruptcy Court for the District of Colorado’s “Order Dismissing Chapter 13

Case Prior to Confirmation of Plan" (Doc. No. 31-2) and "Order Confirming Absence of Stay" (Doc. No. 31-3). Plaintiff's Chapter 13 bankruptcy case was dismissed on November 6, 2009, for Plaintiff's failure to comply with the Bankruptcy Court's Order that she file and serve a Chapter 13 plan. (*See* Doc. No. 31-2.) Furthermore, the Bankruptcy Court has notified all of Plaintiff's creditors regarding the absence of an automatic stay pursuant to 11 U.S.C. § 362(c). (*See* Doc. No. 31-3.)

Therefore, it is

ORDERED that Plaintiff's request for a stay pursuant to federal and state laws is DENIED. It is further

ORDERED that Plaintiff shall file responses to any or all of the pending motions to dismiss no later than December 9, 2009. It is further

ORDERED that the Scheduling Conference set for December 17, 2009, is VACATED and RESET to **January 4, 2010, at 9:00 a.m.** The proposed Scheduling Order shall be filed no later than December 28, 2009.

Dated this 24th day of November, 2009.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge