

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 10-cv-00526-PAB-MJW

RICHFIELD HOSPITALITY, INC., a Colorado corporation,

Plaintiff,

v.

SHUBH HOTELS PITTSBURGH, LLC, a Florida limited liability company,
SHUBH HOTELS DETROIT, LLC, a Florida limited liability company, and
ATUL BISARIA, an individual,

Defendants.

ORDER

This matter is before the Court on plaintiff's Motion to Vacate Judgment Entered Pursuant to Fed. R. Civ. P. 54(b) and 55 Against Defendant Shubh Hotels Detroit, LLC [Docket No. 29]. On December 9, 2010, the Court granted in part and denied in part [Docket No. 24] plaintiff's motion for entry of default judgment [Docket No. 17]. The Court ordered the Clerk of the Court to enter judgment pursuant to Federal Rule of Civil Procedure 54(b)(1) in favor of plaintiff and against defendants Atul Bisaria and Shubh Hotels Detroit, LLC ("Shubh Detroit") as to Count 1 of the First Amended Complaint. See Docket No. 24 at 7. Judgment entered on December 10, 2010. See Docket No. 25.

Plaintiff informs the Court that it has since learned that Shubh Detroit filed for bankruptcy on October 21, 2010 and "was protected by the automatic stay provision of 11 U.S.C. § 362" at the time judgment entered in this case. Docket No. 29 at 2-3.

Because “any action taken in violation of the stay is void and without effect,” *Ellis v. Consolidated Diesel Elec. Corp.*, 894 F2d 371, 371 (10th Cir. 1990), it is

ORDERED that plaintiff’s Motion to Vacate Judgment Entered Pursuant to Fed. R. Civ. P. 54(b) and 55 Against Defendant Shubh Hotels Detroit, LLC [Docket No. 29] is GRANTED. The December 10, 2010 judgment [Docket No. 25] is vacated as to Shubh Detroit only.

DATED June 16, 2011.

BY THE COURT:

s/ Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge