

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

Civil Action No. 10-cv-02043-MSK-KMT

EMPLOYERS MUTUAL CASUALTY COMPANY,

Plaintiff,

v.

DOWNEY EXCAVATION, INC.,
ROD DOWNEY,
MARCUS L. DEAN,
ROBERT M. ARAGON,
LISA L. ARAGON,
DENNIS J. CHILCOTE,
TERRY L. CHILCOTE, and
LEWIS HAYES BRISKEY,

Defendants.

ORDER

This matter is before the court on review of the “Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors, & Deadlines” filed February 14, 2012. (Doc. No. 103.) Defendant Lewis Briskey has filed a Petition for Bankruptcy pursuant to Chapter 7 of the United States Bankruptcy Code. Therefore, Sections 361 and 362 of the United States Bankruptcy Code apply with respect to the defendant and the property of the defendant. Title 11 U.S.C. § 1520(a). Section 362(a) of the Bankruptcy Code provides

Except as provided in subsection (b) of this section, a petition filed under section 301, 302, or 303 of this title, or . . . operates as a stay, applicable to all entities, of (1) the commencement or continuation, including the issuance or employment of

process, of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title, or to recover a claim against the debtor that arose before the commencement of the case under this title.

(3) any act to obtain possession of property of the estate or of property from the estate or to exercise control over property of the estate. . . .

Title 11 U.S.C. § 362(a). Accordingly, the bankruptcy filing precludes continuing this litigation with respect to Defendant Lewis Briskey.

It is therefore ORDERED that all proceedings against Defendant Lewis Briskey are STAYED unless and until relief from the automatic stay in Bankruptcy Case No.

12-11949-SBB is granted.

Plaintiff is ORDERED to file a status report in this case within ten days of any relief from stay in the bankruptcy case.

Dated this 15th day of February, 2012.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge