

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

Civil Action No. 11-cv-01907-PAB-KMT

ELECTROLOGY LABORATORY, INC., d/b/a ROCKY MOUNTAIN LASER COLLEGE, a
Colorado corporation,
RAY FLUKEN,
JODY RIGGS FLUKEN, and
JESSICA RIGGS,

Plaintiffs,

v.

LARRY PAUL KUNZE a/k/a LORENZO KUNZE and LORENZO BLACKSTONE KUNZE,
M.E., d/b/a AMERICAN LASER COLLEGE and THE LASER COLLEGE,
LARRY PAUL KUNZE, JR., a/k/a LORENZO KUNZE JR.,
ROCK CREEK LASER & ESTHETICS INSTITUTE, a delinquent Colorado corporation,
BARELASER, LLC, a Colorado limited liability company, and
RETHINK THE INC., LLC, a Colorado limited liability company,

Defendants and Third-Party Plaintiffs,

v.

RAY FLUKEN,
JODY RIGGS FLUKEN, and
JESSICA RIGGS,

Third-Party Defendants.

ORDER

This matter is before the court on review of the “Notice of Bankruptcy Case Filing” filed by Larry Paul Kunze on March 18, 2013. (Doc. No. 177.) According to the Notice, on March 16, 2013, Defendant/Third-Party Plaintiff Lorenzo P. Kunze filed a voluntary petition for relief

under Chapter 13 of the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Colorado. Therefore, Section 362 of the United States Bankruptcy Code applies with respect to Defendant/Third-Party Plaintiff Lorenzo P. Kunze and the property of this party. 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 precludes continuing this litigation with respect to Defendant/Third-Party Plaintiff Lorenzo P. Kunze.

It is therefore ORDERED that all proceedings against Defendant/Third-Party Plaintiff Lorenzo P. Kunze are STAYED unless and until relief from the automatic stay in Bankruptcy Case No. 13-13936 is granted.

Defendant/Third-Party Plaintiff Lorenzo P. Kunze is ORDERED to file a status report in this case within ten days of any relief from stay in the bankruptcy case.

Dated this 18th day of March, 2013.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge