

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

Civil Action No. 13-cv-00624-RM-KMT

JAMES S. GRADY,

Plaintiff,

v.

SAMUEL IACULLO, aka "Shiznit88", "homeslice60148@hotmail.com", "siacullo", ET AL,

Defendant.

ORDER

This matter is before the court on review of the "Notice of Suggestion of Bankruptcy" filed February 14, 2012. (Doc. No. 10.) Defendant Samuel Iacullo 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, . . . 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 Samuel Iacullo.

It is therefore ORDERED that all proceedings in this matter are STAYED unless and until relief from the automatic stay in Bankruptcy Case No. 13-51001-cag is granted. The Scheduling Conference set for June 7, 2013 is VACATED.

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 2nd day of May, 2013.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge