

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martínez**

Civil Action No. 14-cv-2294-WJM-KLM

FERNANDO LEONARD, and
MOANA LEONARD f/k/a MOANA SYLVESTER,

Plaintiffs,

v.

EDWARD D. FITZHUGH,

Defendants.

ORDER RE: ADDITIONAL SUPPLEMENTAL BRIEFING

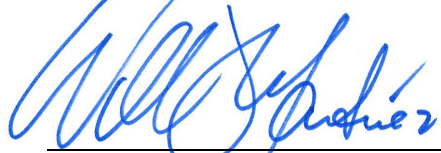
This matter is before the Court on Plaintiffs' Motion for Entry of Default Judgment. (ECF No. 24.) The Court held an evidentiary hearing on the Motion on May 15, 2015, after which the Court ordered Plaintiffs to submit proposed findings of fact and conclusions of law, and supplemental briefing on or before June 15, 2015. (ECF Nos. 28, 29, & 30.) Plaintiffs submitted the requested documents on May 27, 2015. (ECF Nos. 31 & 32.)

The Court has considered Plaintiffs' Motion and the documentation filed in support thereof, and finds that additional supplemental briefing with regard to Defendant Edward Fitzhugh's bankruptcy petition would be helpful. Plaintiffs' counsel informed the Court that Defendant Fitzhugh declared bankruptcy at some point in 2013. As Defendant's pending bankruptcy case could impact these proceedings, the Court **ORDERS** Plaintiffs to submit the following on or before June 12, 2015:

1. The bankruptcy case number, the current status of the case, if known, and the court in which the matter is pending; and
2. Plaintiffs' position with regard to the effect of the U.S. Bankruptcy Code's automatic stay provision, 11 U.S.C. § 362, on the Court's ability to enter a default judgment in this matter, including whether this action is one that "could have been commenced before the commencement of" the bankruptcy case, or whether this action seeks "to recover a claim against the debtor that arose before the commencement of the [bankruptcy] case." *Id.*

Dated this 4th day of June, 2015.

BY THE COURT:



William J. Martinez
United States District Judge