

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

Civil Action No. 15-cv-01668-REB-KMT

THE GUARANTEE COMPANY OF NORTH AMERICA USA,

Plaintiff,

v.

TK CONSTRUCTION US, LLC,
TK MINING SERVICES, LLC and affiliates,
TK CONSTRUCTION, LLC dba TK MINING SERVICES, LLC,
BIG SKY, LLC,
TK DIVERSIFIED SERVICES, LLC, fka UNLIMITED MANPOWER SOLUTIONS, LLC,
TK HOLDINGS LTD, and all subsidiaries, including, but not limited to: (TK INDUSTRIAL,
LLC and TK BLASTING, LLC),
AMY L. FISCHER,
KEITH E. BUHRDORF,
DAVID A. SCHAAF, and
EARNEST E. SCHAAF,

Defendants.

ORDER

The matter before the court is “Notice of Automatic Stay and Suggestion of Bankruptcy” filed January 7, 2016. (Doc. No. 79.) Defendant Amy L. Fischer 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 Amy L. Fischer.

It is therefore ORDERED that all proceedings against Defendant Amy L. Fischer are STAYED unless and until relief from the automatic stay in Bankruptcy Case No. 15-23854-MER 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 11th day of January, 2016.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge