

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

RAY DeFOREST,
Plaintiff,

v.

Case No. 3:08cv498/MCR/EMT

JOHNNY CHISHOLM GLOBAL EVENTS, LLC;
CHISHOLM PROPERTIES CIRCUIT EVENTS, LLC;
JOHNNY CHISHOLM, individually;
and
BOBBY WARNER, individually,
Defendants.

ORDER

This cause is before the court upon referral by the clerk.

In a related case filed in this district, Bardfield v. Chisholm, Case No. 3:09cv232/MCR/EMT, Defendant Chisholm Properties Circuit Events, LLC, has filed a Suggestion of Bankruptcy. This filing indicates that Defendant Chisholm Properties Circuit Events, LLC, filed for Chapter 11 bankruptcy in the United States Bankruptcy Court for the Northern District of Florida, Case No. 09-32069PNS3, on October 6, 2009. As a consequence of the bankruptcy petition, Case No. 3:09cv232/MCR/EMT has been automatically stayed as to Defendant Chisholm Properties Circuit Events, LLC.¹ Although no suggestion of bankruptcy has been filed in the instant case, technically none is required for the automatic stay of 11 U.S.C. § 362(a)(1) to be effective. *See In re Harvey*, 143 B.R. 1, 2 (Bankr. D.D.C. 1992). Accordingly, this case is stayed as to Defendant Chisholm Properties Circuit Events, LLC. The stay must remain in effect until the bankruptcy case is disposed of by the bankruptcy court. *See* 11 U.S.C. § 362(c).

¹ The case has also been stayed as to the other Defendant, Johnny Chisholm.

Next, for reasons of fairness as well as judicial economy and efficiency, the court concludes that this entire matter should be stayed for the pendency of the stay resulting from Defendant Chisholm Properties Circuit Events' filing a bankruptcy petition. Any party who objects to a stay of the entire case should immediately so inform the court. The pending motion for summary judgment, filed jointly by Defendant Johnny Chisholm and Defendant Chisholm Properties Circuit Events, LLC (Doc. 30), and Plaintiff's Amended Motion for Default Judgment Against Chisholm Properties Circuit Events, LLC (Doc. 58) will therefore be addressed, as may be appropriate, when the stay has been lifted.

Accordingly, it is **ORDERED**:

1. This case, in its entirety, is **STAYED** during the pendency of the automatic stay resulting from Defendant Chisholm Properties Circuit Events' filing a bankruptcy petition.

2. The clerk is directed to remove this case from the active docket of the court pending notice that the bankruptcy case has been disposed of by the bankruptcy court and further notice by this court.

DONE and ORDERED this 28th day of October 2009.

/s/ Elizabeth M. Timothy

ELIZABETH M. TIMOTHY

UNITED STATES MAGISTRATE JUDGE