

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO . 08-60100-CIV-HUCK/O'SULLIVAN

MISTER SOFTEE, INC.,

Plaintiff,

vs.

SUSY MENOSCAL,

Defendant.
_____ /**ORDER**

THIS MATTER came before the Court on the filing of the Notice of Bankruptcy Case Filing (DE # 29, 5/4/2009, Ex. 1).

Defendant Menoscal informs the Court that she filed a voluntary petition for bankruptcy in the Southern District of Florida on May 1, 2009. Id. By operation of Title 11 United States Code Section 362, the above-styled action is **STAYED**.

Title 11 United States Code Section 362 stipulates that an automatic stay is created upon the filing of any bankruptcy petition. See Ellison v. Northwest Eng'g Co., 707 F.2d 1310, 1311 (11th Cir. 1983). The purpose of the stay is "to give the debtor a breathing spell from his creditors." Id.

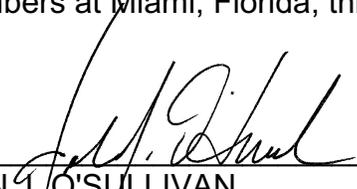
Accordingly, after careful review of the record, and the Court being otherwise fully advised, it is

ORDERED AND ADJUDGED, that this case is **STAYED**. It is further

ORDERED AND ADJUDGED that all pending motions are **DENIED as moot** without prejudice to renew once the automatic stay is lifted. It is further

ORDERED AND ADJUDGED that the Clerk of the Court shall mark this case
CLOSED for administrative purposes.

DONE AND ORDERED in Chambers at Miami, Florida, this 6th day of May,
2009.



JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

Copies provided:
United States District Judge Huck
All counsel on record
Susy Menoscal, *pro se*