

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
Case No. 09-20755-CIV-O'SULLIVAN

[CONSENT]

JUAN SANCHEZ, JORGE SEFONTES,
JAIME PEREZ, SANDRA HERNANDEZ,
DAVID MANAZANARES and ELISA COBAS,

Plaintiffs,

v.

COSTA BRAVA RESTAURANT, INC.,
MAYELA MARES and JOSE M. LOPEZ,

Defendants.

ORDER

THIS MATTER came before the Court on the Motion for Amended Default Judgment Against Defendants Mayela Mares and Jose M. Lopez (DE# 58, 5/12/10) filed by the plaintiffs. Having reviewed the applicable filings and the law, it is

ORDERED AND ADJUDGED that the Motion for Amended Default Judgment Against Defendants Mayela Mares and Jose M. Lopez (DE# 58, 5/12/10) is **DENIED**.

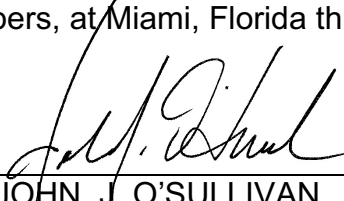
The plaintiffs seek an amended default judgment against defendants Mayela Mares and Jose M. Lopez. Ms. Mares and Mr. Lopez previously filed a suggestion of bankruptcy with this Court. See Suggestion of Bankruptcy (DE# 53, 2/19/10).¹ Following a hearing, the Court stayed the case pending the outcome of the bankruptcy proceedings. See Order (DE# 54, 2/22/10).

In their motion, the plaintiffs advised the Court that Ms. Mares and Mr. Lopez's

¹ Ms. Mares and Mr. Lopez filed a second suggestion of bankruptcy on April 30, 2010. See Suggestion of Bankruptcy (DE# 57, 4/30/10).

bankruptcy proceedings were dismissed and provided the Court with a copy of the Order Dismissing Case for Failure to Make Pre-Confirmation Plan Payments and for Failure to Appear at the Section 341 Meetings of Creditors (DE# 58-1, 5/12/10). On July 7, 2010, the Court held a hearing wherein the defendants' counsel advised the Court that there was a possibility that the Bankruptcy Court would reinstate the bankruptcy petition. On July 27, 2010, the defendants notified the Court that their bankruptcy petition was reinstated on July 20, 2010. See Defendants' Status Report re: Reinstatement of Bankruptcy Petition (DE# 66, 7/27/10). Accordingly, the automatic stay remains in effect and the plaintiffs' motion is denied. See In re Laurent, 193 Fed. Appx. 831, 832 (11th Cir. 2006) (noting that "[u]pon filing a petition for bankruptcy, an automatic stay is imposed and continues until the earliest of the following: the case is (1) closed; (2) dismissed; or (3) discharged.").

DONE AND ORDERED, in Chambers, at Miami, Florida this 27th day of July, 2010.



JOHN J. O'SULLIVAN
UNITED STATES MAGISTRATE JUDGE

Copies provided to:
All counsel of record

Copies mailed by Chambers to:
Mayela Mares
Jose M. Lopez
9735 NW 52 Street, Apt. 206
Miami, FL 33178