

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

**MEHERRIN AGRICULTURAL &
CHEMICAL COMPANY,**

Plaintiff,

v.

**PATRICK FARMS, LLC, JAMES GIBBS
PATRICK JR., and JAMES GIBBS
PATRICK III,**

Defendants.

Civil Action: 7:10-CV-18 (HL)

ORDER

On August 2, 2010, Patrick Farms Partnership, sued in this case as Patrick Farms, LLC, filed a Voluntary Petition for protection under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the Middle District of Georgia, Valdosta Division. Plaintiff is listed in the bankruptcy petition as a creditor with a claim in the amount of \$676,858.23. Defendant Patrick Farms filed a notice of stay on account of bankruptcy in the case before this Court on August 10, 2010.

11 U.S.C. § 362(a)(1) provides that all judicial proceedings against the debtor are automatically stayed. Accordingly, this case is stayed as to Defendant Patrick Farms until there is a ruling from the bankruptcy court lifting the stay.

The automatic stay does not automatically stay judicial proceedings against non-bankrupt third parties or co-defendants. See, e.g., In re S.I. Acquisition, Inc., 817 F.2d 1142, 1147 (5th Cir. 1987). Defendants James Gibbs Patrick Jr. and

James Gibbs Patrick III have not requested that the automatic stay be extended to them, and it does not appear from the bankruptcy docket that they have requested that the bankruptcy court issue an injunction against these judicial proceedings as relates to them. Accordingly, the case shall continue to proceed against Defendants James Gibbs Patrick Jr. and James Gibbs Patrick III.

SO ORDERED, this the 13th day of August, 2010.

s/ *Hugh Lawson*
HUGH LAWSON, SENIOR JUDGE

mbh