

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

| | | |
|--------------------|---|---------------|
| HAMIN KHATIB, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 10 C 3979 |
| |) | |
| CHICAGO SUN TIMES, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM ORDER

Hamin Khatib ("Khatib") has filed a self-prepared Complaint, together with an extraordinarily bulky set of exhibits, against the Chicago Sun Times. This Court initially issued a June 30, 2010 memorandum order ("Order") that granted Khatib's application to proceed in forma pauperis and also pointed out some problematic aspects of the six-page Complaint and of what the Order described as the attached "125 pages of miscellany." At this point the next status hearing had been set for 9 a.m. October 27, 2010.

But now counsel for the defendant has come forward with a showing that defendant and various of its affiliates are under the jurisdiction of the United States Bankruptcy Court for the District of Delaware pursuant to Chapter 11 of the Bankruptcy Code. That being so, a statutory bar is in effect under 11 U.S.C. §362(a) that stays all proceedings such as that initiated by Khatib. This Court is accordingly powerless to go forward to deal with his claim.

Under the circumstances Khatib has the option to allow his claim to lie dormant for an indefinite period of time until the stay is lifted¹ or, perhaps, to file the claim in the bankruptcy court (with or without dismissing this action without prejudice). Khatib is ordered to appear in court at 9 a.m. September 23, 2010 to state his intention as to how he wishes to proceed.



Milton I. Shadur
Senior United States District Judge

Date: September 16, 2010

¹ Khatib could apply to the Bankruptcy Court, asking it to lift the stay as to his claim so that he could proceed with his lawsuit here. This Court cannot of course predict what that Delaware court would do, but in its experience such rulings are not often made.