

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION -- LEXINGTON

J&J SPORTS PRODUCTIONS, INC.

Plaintiff,

v.

**ANTONIA ROMERO, individually and
d/b/a Tonita Restaurant,
And TONITA RESTAURANT, LLC**

Defendants

CIVIL ACTION NO. 5:14-442-KKC

OPINION AND ORDER

*** **

This matter is before the Court on the motion to dismiss filed by the plaintiff (DE 7) in which the plaintiff seeks to voluntarily dismiss its claims against one of the defendants in this action, Antonia Romero, pursuant to Federal Rule of Civil Procedure 41(a)(2).

Before the plaintiff filed this motion, Romero had filed a petition for relief under Chapter 7 of the United States Bankruptcy Code. (DE 6, Notice.) The Court agrees with those courts that have determined that a Rule 41 dismissal does not violate the automatic state provision set forth in 11 U.S.C. § 362. *See Arnold v. Garlock Inc.*, 288 F.3d 234 (5th Cir.2002); *Slay v. Living Ctrs. E., Inc.*, 249 B.R. 807 (S.D.Ala.2000); *Chase Manhattan Bank, N.A. v. Celotex Corp.*, 852 F.Supp. 226 (S.D.N.Y.1994).

Accordingly, the Court hereby ORDERS that the motion to dismiss (DE 7) is GRANTED and all claims against the defendant Antonia Romero are DISMISSED.

Dated April 22, 2016.



Karen K. Caldwell

KAREN K. CALDWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY