

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

D.S. BUILDING CONTRACTORS, INC.,

Plaintiff,

v.

Case No. 1:08-cv-276

TRAVELERS CASUALTY AND  
SURETY COMPANY OF AMERICA,

Defendant,

HONORABLE PAUL L. MALONEY

and

TRAVELERS CASUALTY AND  
SURETY COMPANY OF AMERICA.

Counter-Plaintiff,

**ORDER ADMINISTRATIVELY  
CLOSING CASE**

v.

D.S. BUILDING CONTRACTORS, INC.,

Counter-Defendant, Third Party  
Plaintiff, and Third Party Counter-  
Defendant,

v.

CONSUMERS CONCRETE CORPORATION,

Third Party Defendant, Third Party  
Plaintiff and Third Party Counter-  
Plaintiff,

v.

DAVID A. WOJTOWICZ,

Third Party Defendant.

\_\_\_\_\_ /

The court has been informed that D.S. Building Contractors, Inc. and David Wojtowicz, two of the parties to this action filed a Petition in Bankruptcy. In accordance with 11 U.S.C. § 362, this civil action is automatically stayed until the Bankruptcy proceedings in question are terminated.

The automatic stay provision of the Bankruptcy Reform Act of 1978, 11 U.S.C. § 101, et seq. halts the commencement or continuation of litigation against the debtor by adverse parties; it does not divest this court of jurisdiction to issue necessary orders in civil actions which are stayed in Bankruptcy. Chao v. Hosp.Staffing Servs., Inc., 270 F.3d 374, 383-384 (6<sup>th</sup> Cir.2001).

Rather than have this action remain on the court's docket indefinitely, a result which is contrary to the interest of the court, the debtor, and the public, the court has decided to administratively close this matter pending termination of the related bankruptcy proceedings.

**IT IS HEREBY ORDERED** that in the interest of the effective administration of the court's business, without prejudice to either party to this action, and in keeping with the intent and spirit of the automatic stay provision of the Bankruptcy Reform Act, 11 U.S.C. § 362, this matter is **CLOSED**. This closing is for administrative purposes only and does not constitute a decision on the merits. Upon termination of the aforementioned bankruptcy proceedings, or the lifting of the automatic stay with reference to the instant proceeding, the court will allow either party to move to reopen this action. Any such motion need only refer to this order and it will be granted.

Dated: December 2, 2009

/s/ Paul L. Maloney  
Paul L. Maloney  
Chief United States District Judge