

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Lakegirl, Inc.,

Court File No. 17-cv-1510 (JRT/LIB)

Plaintiff,

v.

**ORDER**

Livnfresh, Inc., et al.,

Defendants.

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This matter comes before the undersigned United States Magistrate Judge upon the routine supervision of the cases that pend before the Court and upon the filing of a “Suggestion of Bankruptcy,” [Docket No. 29], by Defendants The Bon-Ton Stores, Inc.; Carson Pirie Scott II, Inc.; and the Bon-Ton Department Stores, Inc. (hereinafter referred to collectively as the “Bon-Ton Defendants”).

On February 14, 2018, the Bon-Ton Defendants filed a “Suggestion of Bankruptcy,” [Docket No. 29], informing the Court that the Bon-Ton Defendants had filed for Chapter 11 bankruptcy on February 4, 2018. Counsel for the Bon-Ton Defendants proffered that he believed these bankruptcy filings may have created an automatic stay of the present proceeding as against the Bon-Ton Defendants under the Bankruptcy Code. (Id.).

Title 11 of the United States Code, Section 362, provides that a bankruptcy petition “operates as a stay, applicable to all entities, of the commencement or *continuation* . . . of a judicial . . . action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title[.]” 11 U.S.C. § 362(a)(1) (emphasis added).

The Court has verified that on February 4, 2018, the Bon-Ton Defendants filed Chapter 11 Voluntary Petitions for bankruptcy. See, In re the Bon-Ton Stores, Inc., Ch. 11 Case No. 18-bk-10248-MFW, [Docket No. 105] (consolidating the three cases for administrative and procedural purposes). The present action in this Court was filed on May 9, 2017. (Compl. [Docket No. 1]).

Therefore, **IT IS HEREBY ORDERED:**

1. That the claims in this action as alleged against Defendants The Bon-Ton Stores, Inc.; Carson Pirie Scott II, Inc.; and the Bon-Ton Department Stores, Inc. are **STAYED** pending further Order of the Court; and
2. That Plaintiff and Defendants The Bon-Ton Stores, Inc.; Carson Pirie Scott II, Inc.; and the Bon-Ton Department Stores, Inc. shall file on CM/ECF a joint, written status update regarding the status of the bankruptcy proceeding and the impact of that proceeding on this case every 120 days from the date of this Order.

Dated: February 15, 2018

s/ Leo I. Brisbois  
Leo I. Brisbois  
U.S. MAGISTRATE JUDGE