

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

**CATERPILLAR FINANCIAL
SERVICES CORPORATION**

PLAINTIFF

v.

CIVIL ACTION NO. 1:17-cv-222-HSO-JCG

**HI-LO FARMS, INC. and MARTHA
COLE**

DEFENDANTS

ORDER ADMINISTRATIVELY CLOSING THE CASE

BEFORE THE COURT is the Motion to Stay Proceedings and Administratively Close the Case (ECF No. 4) filed *ex parte* by Plaintiff Caterpillar Financial Services Corporation.¹ Attached to the Motion as Exhibit A is the Chapter 11 bankruptcy petition of Defendant Hi-Lo Farms, Inc., filed June 23, 2017 in the United States Bankruptcy Court for the Southern District of Mississippi. (ECF No. 4-1). Plaintiff states that Hi-Lo Farms knew of its indebtedness to Plaintiff at the time Hi-Lo Farms initiated its bankruptcy, but did not list Plaintiff as a creditor in its bankruptcy proceedings or otherwise notify Plaintiff of its bankruptcy filing. (ECF No. 4, at 1). Because Plaintiff did not know about Hi-Lo Farms' bankruptcy filing, Plaintiff filed the instant suit. *Id.* Plaintiff now seeks to have the instant case stayed and administratively closed "to avoid any argument that it has violated or is violating the automatic stay" in the bankruptcy court. *Id.* at 2.

The Court finds that there appears to be no further reason to maintain the file as an open one for statistical purposes. The case is therefore stayed pending the

¹ Plaintiff has not yet returned proofs of service of process for either defendant, and neither defendant has entered an appearance to date.

bankruptcy action. Plaintiff is directed to move to lift the stay and reopen the case when the bankruptcy action is concluded, so that appropriate action may be taken in this case.

IT IS, THEREFORE, ORDERED that Plaintiff's Motion to Stay Proceedings and Administratively Close the Case (ECF No. 4) is **GRANTED**.

IT IS FURTHER ORDERED that this case be administratively closed pending resolution of the bankruptcy action. Plaintiff is directed to move to lift the stay and reopen the case when the bankruptcy action is concluded. Nothing contained in this Order shall be considered a dismissal or disposition of this matter.

SO ORDERED, this the 29th day of August, 2017.

s/. John C. Gargiulo
JOHN C. GARGIULO
UNITED STATES MAGISTRATE JUDGE