

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

MICHAEL E. SPREADBURY,

CV 11-64-M-DWM-JCL

Plaintiff,

vs.

ORDER

BITTERROOT PUBLIC LIBRARY,
CITY OF HAMILTON, LEE
ENTERPRISES, INC., BOONE
KARLBERG, P.C., DR. ROBERT
BROPHY, TRISTA SMITH, NANSU
RODDY, JERRY STEELE, STEVE
SNAVELY, STEVEN BRUNER-MURPHY,
RYAN OSTER, KENNETH S. BELL,
and JENNIFER LINT,

Defendants.

Defendant Lee Enterprises, Inc., has advised the Court, through counsel, that a bankruptcy case concerning Lee Enterprises, Inc. has been filed under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Delaware. And Lee Enterprises, Inc. requests the Court to stay this action as against it pursuant to the mandate of 11 U.S.C. § 362(a). Lee

Enterprises also advises the Court, in accordance with L.R. 7.1(c)(1), that Plaintiff Michael Spreadbury opposes the motion.

Upon the filing of a bankruptcy, 11 U.S.C. § 362(a) imposes an automatic stay. *Palmdale Hills Property, LLC v. Lehman Commercial Paper, Inc.*, 654 F.3d 868, 874 (9th Cir. 2011) (citation omitted). The automatic stay prohibits (1) commencing or continuing actions against the debtor that began or could have begun before the bankruptcy was filed, or to recover a pre-petition claim against the debtor; and (2) any act to obtain possession or control of property of or from the estate. *Id.*; 11 U.S.C. § 362(a)(1) and (3). Because the stay mandated by 11 U.S.C. § 362(a)(1) is automatic, the Plaintiff's objection to the stay is of no consequence. Therefore,

IT IS HEREBY ORDERED that this action is stayed as against Lee Enterprises, Inc. pending further order of the Court.

DATED this 13th day of December, 2011

/s/ Jeremiah C. Lynch
Jeremiah C. Lynch
United States Magistrate Judge