

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

DatabaseUSA.com, LLC,

Plaintiff,

vs.

Blake Van Gilder, et al.,

Defendants.

8:17-CV-386

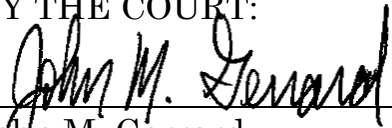
ORDER

The defendants have filed a "Notice of Plaintiff's Bankruptcy Filing" ([filing 75](#)) noting that the plaintiff has filed bankruptcy, and suggesting that this case should be stayed pursuant to [NEGenR 1.5\(a\)\(1\)](#). But it is well-established that because the automatic bankruptcy stay of [11 U.S.C. § 362\(a\)\(1\)](#) applies to the "commencement or continuation" of a proceeding "against the debtor," it doesn't apply to a proceeding brought by the debtor that inures to the benefit of the debtor's estate. [Farley v. Henson](#), 2 F.3d 273, 274 (8th Cir. 1993); [Brown v. Armstrong](#), 949 F.2d 1007, 1009-10 (8th Cir. 1991); [Wickenkamp v. Smith](#), No. 8:13-CV-262, 2013 WL 6197158, at *1 (D. Neb. Nov. 27, 2013). Accordingly,

IT IS ORDERED that this case is not automatically stayed as a result of the plaintiff's bankruptcy.

Dated this 4th day of January, 2019.

BY THE COURT:



John M. Gerrard
Chief United States District Judge