

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 THE GUARANTEE COMPANY OF
5 NORTH AMERICA,

6 Plaintiff

7 v.

8 ANTHONY BARAJAS, et al.,

9 Defendants

2:13-cv-01583-JAD-CWH

**Order to Show Cause Why Stay Should
Not Be Lifted and Case Should Not Be
Dismissed Consistent with the Bankruptcy
Court's 8/18/14 Discharge Order and
10/20/14 Final Decree**

10 The Guarantee Company of North America (“Guarantee”) issued performance, payment,
11 and commercial licensing bonds on behalf of Barajas & Associates, Inc. for several construction
12 projects in the State of Nevada. It sues Anthony and Elizabeth Barajas, both individually and as
13 trustees of the Barajas Family Trust Dated 05/25/10, for their alleged failure to honor an
14 indemnity agreement that arose as part of that surety relationship.¹

15 I stayed this case after the Barajases filed notice on April 21, 2014, that they had
16 petitioned for relief under Chapter 7 of the Bankruptcy Code in the United States Bankruptcy
17 Court for the District of Nevada (Case No. 14-12704-abl).² I then instructed the parties to
18 provide a status report by March 13, 2015.³ Guarantee timely responded stating that “[t]his case
19 shall remain stayed due to the pending bankruptcy. . . .”⁴ I then ordered the parties to file a
20 second status report by February 2, 2016.⁵ But that deadline passed without either side
21 complying.

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25 ¹ ECF 1.

26 ² ECF 20.

27 ³ ECF 21.

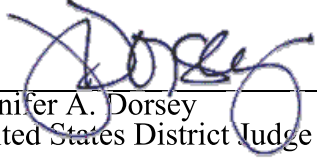
28 ⁴ ECF 22 at 2.

⁵ ECF 23.

1 This silence prompted me to review the docket in the bankruptcy case. I was surprised to
2 discover that the bankruptcy court had granted the Barajas a discharge under 11 U.S.C. § 727
3 on August 18, 2014,⁶ and entered final decree on October 20, 2014, discharging the Chapter 7
4 trustee from her duties and closing the bankruptcy case.⁷ Both events occurred months before
5 Guarantee advised me that this case needed to remain stayed due to the Barajas' "pending"
6 bankruptcy case.⁸

7 Accordingly, IT IS HEREBY ORDERED that **plaintiff The Guarantee Company of**
8 **North America has until Thursday, March 3, 2016, to show cause** why (1) the bankruptcy
9 stay should not be lifted and (2) this case should not be dismissed consistent with the bankruptcy
10 court's August 18, 2014, discharge order and October 20, 2014, final decree. **If plaintiff does**
11 **not file a document showing good cause by March 3, 2016, this case will be dismissed in its**
12 **entirety without further notice and without prejudice.**

13 DATED: February 4, 2016

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16 Jennifer A. Dorsey
17 United States District Judge
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26 ⁶ 14-12704-abl, ECF 43.

27 ⁷ 14-12704-abl, ECF 47.

28 ⁸ ECF 22.