



1 Also on December 22, 2016, Defendant filed an amended notice of bankruptcy notifying the  
2 Court that Defendant has actually petitioned the United States Bankruptcy Court to recognize its  
3 Canadian bankruptcy proceeding as the “foreign main proceeding.” Docket No. 181. In this  
4 situation, an automatic stay will not take effect until Defendant demonstrates that the United States  
5 Bankruptcy Court has recognized the Canadian proceeding as the “foreign main proceeding.” *See*  
6 11 U.S.C. §§ 1504, 1509, 1515, 1520; *see also Oak Point Partners v. Lessing*, No. 11-CV-03328-  
7 LHK, 2013 WL 1703382, at \*5 (N.D. Cal. Apr. 19, 2013). Thus far, Defendant has shown only that  
8 it has asked the United States Bankruptcy Court to do so. Docket No. 181.

9 Accordingly, the Court hereby **VACATES** its prior order staying this case as to Defendant  
10 Mobile Simple Solutions, Inc. Docket No. 179. The Court will impose an automatic stay only if  
11 Defendant demonstrates that the United States Bankruptcy Court has recognized its Canadian  
12 bankruptcy proceeding as the “foreign main proceeding.”

13 IT IS SO ORDERED.

14 Dated: December 27, 2016

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17 NANCY J. KOPPE  
18 United States Magistrate Judge  
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