

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:12-cv-00368-MR-DLH**

**PETER JOSEPH THOMAS, LINDA B.)
THOMAS, HERBERT JOHN)
BOESCHEN, II and BEVERYLY ANN)
BOESCHEN,)**

Plaintiffs,)

vs.)

ORDER

**WILDERNESS TRAIL DEVELOPMENT)
CORPORATION, a North Carolina)
Corporation, and JOHN PAUL)
COGDILL,)**

Defendant.)

THIS MATTER is before the Court on the Defendants' Suggestion of Bankruptcy [Doc. 19].

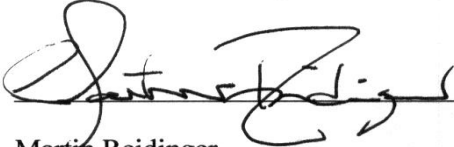
The Defendants have filed a notice with the Court indicating that the Defendant Wilderness Trail Development Corporation filed a voluntary bankruptcy petition under Chapter 7 of the United States Bankruptcy Code on August 14, 2013. It is well-settled that “[w]hen litigation is pending against the debtor at the time a bankruptcy case is commenced, the litigation is stayed automatically.” 3 Collier on Bankruptcy ¶ 362.03[3] (16th ed. 2011); see also 11 U.S.C. § 362(a)(1) (providing that a bankruptcy

petition operates as an automatic stay of “the commencement or continuation . . . of a judicial, administrative, or other action or proceeding against the debtor”). Accordingly, the Court will consider this action stayed as to the Defendant Wilderness Trail Development Corporation only.

Accordingly, **IT IS, THEREFORE, ORDERED** that this action is hereby **STAYED** as to the Defendant Wilderness Trail Development Corporation only until further Order of the Court. All other claims pending in this action remain unaffected by this stay, and this case remains on the March 10, 2014 calendar for trial.

IT IS SO ORDERED.

Signed: December 30, 2013


Martin Reidinger
United States District Judge

