

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:16-cv-00310-MR-DLH**

**ROBERT A. MULLINAX, Individually,)
as Executor of the Estate of Jack)
Junior Waugh, Deceased,)
)
Plaintiff,)
)
vs.)
)
**ADVANCE AUTO PARTS, INC., et al.,)
)
Defendants.)
_____)****

ORDER

THIS MATTER is before the Court on the Notice of Bankruptcy Filing and Stay of Proceedings filed by the Defendant Georgia-Pacific LLC (now known as Bestwall LLC) (hereinafter “Bestwall”). [Doc. 245].

Bestwall has filed a notice with the Court indicating that it filed a voluntary bankruptcy petition under Chapter 11 of the United States Bankruptcy Code on November 2, 2017. 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. 2014); 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

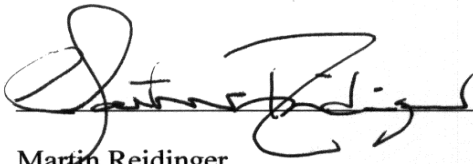
against the debtor”). Accordingly, the Court will consider this action stayed as to Bestwall only.

Accordingly, **IT IS, THEREFORE, ORDERED** that this action is hereby **STAYED** as to the Defendant Georgia-Pacific LLC (now known as Bestwall LLC) only until further Order of the Court. All other claims pending in this action remain unaffected by this stay.

IT IS FURTHER ORDERED that the parties shall file a status report with the Court every ninety (90) days until the bankruptcy proceeding is completed or the automatic stay is lifted, whichever comes first.

IT IS SO ORDERED.

Signed: November 14, 2017


Martin Reidinger
United States District Judge

