

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

JESSIE WILSON,

Case No. 1:12-cv-922

Plaintiff,

Judge Timothy S. Black

vs.

D&N MASONRY, INC., *et al.*,

Defendants.

**ORDER STAYING THIS CIVIL ACTION
AS AGAINST D&N MASONRY, INC. ONLY**

On November 6, 2013, Plaintiff filed a Suggestion of Bankruptcy of D&N Masonry, Inc. Only, indicating that Defendant D&N Masonry, Inc. has filed a petition in bankruptcy in the United States Bankruptcy Court for the Southern District of West Virginia. (Doc. 69). There is no evidence that the remaining Defendants have any pending petitions in bankruptcy in any court.

The Bankruptcy Code provides for an automatic stay of any judicial “proceeding against the debtor.” 11 U.S.C. § 362(a)(1). Generally, in the absence of a Bankruptcy Court order, the automatic stay does not apply to non-debtors. *See Patton v. Bearden*, 8 F.3d 343, 349 (6th Cir. 1993); *Parry v. Mohawk Motors of Mich., Inc.*, 236 F.3d 299, 314-315 (6th Cir. 2001) (“absent unusual circumstances the stay ‘does not extend . . . to separate legal entities such as corporate affiliates, partners in debtor partnerships, or to codefendants in pending litigation’”). None of the remaining Defendants have filed their own bankruptcy petitions and the Bankruptcy Court has not extended the automatic stay to

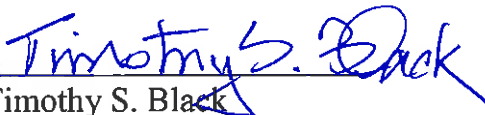
claims pending against them. (Doc. 69 at 2).

Accordingly, the above-captioned action is hereby **STAYED only as to Defendant D&N Masonry, Inc.** pursuant to Section 362(a) of the Bankruptcy Code.

The parties shall notify the Court when the stay can be lifted.

IT IS SO ORDERED.

Date: 11/12/13


Timothy S. Black
United States District Judge