

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

BURTON W. WIAND,

Plaintiff,

v.

Case No. 8:20-cv-862-VMC-TGW

CHRIS ARDUINI, et al.,

Defendants.

_____/

ORDER

This matter is before the Court pursuant to Defendant Elizabeth McMahon's Suggestion of Bankruptcy (Doc. # 716), filed on February 23, 2021. According to the Suggestion, on February 23, 2021, McMahon filed a Voluntary Petition for Relief under Chapter 13 of Title 11 of the Bankruptcy Code. The case is currently pending in the United States Bankruptcy Court for the District of Utah, Case Number 2:21-bk-20655.

On February 25, 2021, the Court stated:

Under the circumstances, the appropriate remedy is to stay all proceedings against Defendant McMahon pending the resolution of the Bankruptcy Court proceedings. See 11 U.S.C. § 362(a). If any parties wish to be heard on this matter, they should file an appropriate pleading by March 4, 2021. Absent which, the Court intends to stay this matter as to Defendant McMahon.

(Doc. # 719). No party responded and no pleading regarding the Suggestion has been filed.

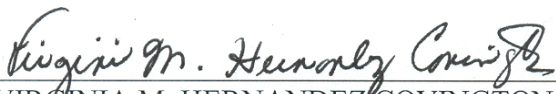
Due to McMahon's pending bankruptcy petition, this matter is stayed and administratively closed as to McMahon only. See In re Kozich, 406 B.R. 949 (Bankr. S.D. Fla. 2009) ("Section 362, by its own terms, only stays proceedings against the debtor.").

Accordingly, pursuant to 11 U.S.C. § 362, it is now

ORDERED, ADJUDGED, and DECREED:

- (1) This case is **STAYED** and **ADMINISTRATIVELY CLOSED** as to Defendant Elizabeth McMahon only. No further action will be taken against Elizabeth McMahon until such time as the bankruptcy court lifts the stay or the stay otherwise lapses.
- (2) Elizabeth McMahon shall advise this Court, in writing, as to the status of the proceedings in the United States Bankruptcy Court on or before **April 23, 2021**, and every **SIXTY DAYS** thereafter.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 23rd day of March, 2021.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE