

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

HALO WIRELESS, INC.

Plaintiff,

v.

CITIZENS TELEPHONE COMPANY, et al.,

Defendants.

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No. 11-0682-CV-W-FJG

ORDER

Before the Court is plaintiff's Suggestion of Bankruptcy, Notice of Stay, and Notice of Extensions under 11 U.S.C. § 108 (Doc. No. 56, filed on August 11, 2011). Plaintiff represents that it filed for Chapter 11 bankruptcy on August 8, 2011, in the United States Bankruptcy Court for the Eastern District of Texas (Sherman Division). Plaintiff indicates that pursuant to 11 U.S.C. § 362, this action is stayed. Also before the Court is defendants' Joint Motion to Abstain and to Dismiss (Doc. No. 61), filed on August 19, 2011.

The Court notes that the automatic stay provisions of the Bankruptcy Code provide that when a debtor files his bankruptcy petition, a stay of all judicial and nonjudicial proceedings against the debtor. See 11 U.S.C. § 362(a)(1). The Eighth Circuit has held that, "as the plain language of the statute suggests, . . . the Code's automatic stay does not apply to judicial proceedings, such as this suit, that were initiated by the debtor." Brown v. Armstrong, 949 F.2d 1007, 1009-10 (8th Cir. 1991). The Court notes that the present lawsuit was initiated by the debtor, and therefore the automatic stay provisions of the Bankruptcy Code do not appear to apply.

Therefore, this matter is not stayed pursuant to plaintiff's bankruptcy. Plaintiff is directed to respond to defendants' Joint Motion to Abstain and to Dismiss (Doc. No. 61).¹

IT IS SO ORDERED.

Dated: August 22, 2011
Kansas City, Missouri

/S/FERNANDO J. GAITAN, JR.
Fernando J. Gaitan, Jr.
Chief United States District Judge

¹If there is some other reason why this matter ought to be stayed, plaintiff shall file a status report with the Court outlining those reasons on or before **August 26, 2011**.