

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

DERWIN KING and wife,)	
PAMELA KING, and)	
MATTHEW KING, minor,)	
)	
Plaintiffs,)	
)	
VS.)	No. 01-1139
)	
WAL-MART STORES, INC.,)	
and CMI INDUSTRIES, INC.,)	
)	
Defendant.)	

ORDER GRANTING MOTION TO AMEND
SCHEDULING ORDER AND TRIAL SETTING
AND
STAY OF PROCEEDINGS PENDING BANKRUPTCY

On January 22, 2002, Defendants filed a motion to amend the scheduling order and trial setting on the ground that Defendant CMI Industries, Inc. (“CMI”), filed a voluntary petition for bankruptcy on November 26, 2001.¹ Plaintiffs have responded to the motion and do not object to the relief sought. Consequently, the motion to amend the scheduling order and trial setting is GRANTED.

The automatic stay provision of the Bankruptcy Code, §11 U.S.C.362(a)(1), provides that:

¹ Defendant CMI filed a suggestion of bankruptcy on January 14, 2002.

Except as provided in subsection (b) of this section, a petition filed under section 301, 302, or 303 of this title ... operates as a stay, applicable to all entities, of (1) the commencement or continuation ... of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title (§§11 U.S.C. 101 et seq.) ...

Because Defendant CMI has filed a suggestion of bankruptcy, the proceedings in this action are hereby stayed until such time as the automatic stay imposed by § 362 is lifted or dissolved. Defendant CMI shall notify this court within ten days after the stay is lifted or dissolved. In any event, Defendant CMI shall submit a report to this court at the end of 180 days which sets forth the status of the proceedings in bankruptcy and each 180 days thereafter if the bankruptcy proceedings are still pending. A new scheduling order will be entered upon resolution of the bankruptcy proceedings.

IT IS SO ORDERED.

JAMES D. TODD
UNITED STATES DISTRICT JUDGE

DATE.