

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDMUND S. BELANGER AND SHERI
D. BELANGER,

Appellants,

vs.

TIMOTHY THOMPSON,

Respondent.

No. 36876

FILED

DEC 10 2001

JANE E. M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK


ORDER DISMISSING APPEAL

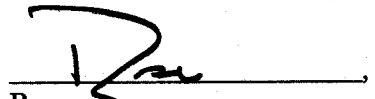
On February 15, 2001, a settlement conference report was filed indicating that "appellant" filed for bankruptcy. The filing of a bankruptcy petition operates to stay, automatically, the "continuation" of any "judicial . . . action . . . against the [bankruptcy] debtor." 11 U.S.C. § 362(a). An appeal, for purposes of the automatic bankruptcy stay, is considered a continuation of the action in the trial court. Consequently, an appeal is subject to the automatic bankruptcy stay if the debtor was the defendant in the underlying trial court action. See, e.g., Ingersoll-Rand Financial Corp. v. Miller Mining Co., Inc., 817 F.2d 1424 (9th Cir. 1987). Appellant Edmund S. Belanger was the defendant in the proceedings below. However, because we could not determine which appellant had filed for bankruptcy, we entered an order directing appellants' counsel to file a report informing this court whether this matter is automatically stayed pursuant to the federal bankruptcy code. 11 U.S.C. § 362(a).


Appellants' counsel filed a status report on July 30, 2001, informing this court that both appellants filed for bankruptcy. The report further states that the United States Bankruptcy Court entered a Discharge of Debtor order on July 3, 2001. Attached to the report is a copy of the bankruptcy court's order. Because the bankruptcy proceeding is resolved, the automatic bankruptcy stay is no longer in effect.

On September 27, 2001, the parties filed a stipulation to dismiss this appeal. Pursuant to the parties' stipulation and cause appearing, this appeal is dismissed. NRAP 42(b).

It is so ORDERED.

 J.
Shearing

 J.
Rose

 J.
Becker

cc: Hon. Nancy M. Saitta, District Judge
Ara H. Shirinian, Settlement Judge
Beckley, Singleton, Chtd./Las Vegas
Mandelbaum Gentile & D'Olio
Clark County Clerk