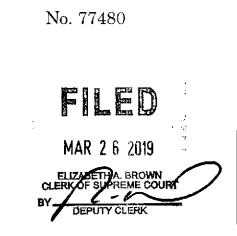
## IN THE SUPREME COURT OF THE STATE OF NEVADA

SATICOY BAY LLC SERIES 780 VORTEX,

Appellant, vs. DITECH FINANCIAL LLC, F/K/A GREEN TREE SERVICING LLC, Respondent.



## ORDER DISMISSING APPEAL

This is an appeal from a district court's findings of fact, conclusions of law, and judgment in an action to quiet title. Eighth Judicial District Court, Clark County; Eric Johnson, Judge.

Counsel for respondent has filed a Notice of Bankruptcy Filing and Imposition of Automatic Stay informing this court that respondent has filed for relief under Chapter 11 of the Bankruptcy Code. The filing of a bankruptcy petition operates to stay, automatically, the "continuation" of any "judicial . . . action . . . against the debtor." 11 U.S.C. § 362(a)(1). An appeal, for purposes of the automatic stay, is considered a continuation of the action in the trial court. Consequently, an appeal is automatically stayed if the debtor was the defendant in the underlying trial court action. *See Ingersoll-Rand Fin. Corp. v. Miller Mining Co., Inc.*, 817 F.2d 1424 (9th Cir. 1987).

It appears that respondent Ditech Financial, LLC, was a defendant and a counterclaimant below. The portions of this appeal relating to the claims against Ditech are stayed pursuant to the automatic stay provisions of federal bankruptcy law; those portions of this appeal may

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Accordingly, this appeal is dismissed. This dismissal is without prejudice to the parties' rights to move for reinstatement of this appeal within 90 days of either the lifting of the bankruptcy stay or final resolution

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<sup>&</sup>lt;sup>1</sup>The automatic stay provides a debtor "with protection against hungry creditors" and gives it a "breathing spell from its creditors" by stopping all collection efforts. *Dean v. Trans World Airlines, Inc.*, 72 F.3d 754, 755 (9th Cir. 1995). Further, it "assures creditors that the debtor's other creditors are not racing to various courthouses to pursue independent remedies to drain the debtor's assets." *Id.* At 755-56.

of the bankruptcy proceedings, if such a motion is deemed appropriate at that time.

It is so ORDERED.

Pickering J. Pickering J. Parraguirre J.

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cc: Hon. Eric Johnson, District Judge Law Offices of Michael F. Bohn, Ltd. Wolfe & Wyman LLP Eighth District Court Clerk