

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:)	CHAPTER 7
)	
TIFFANY PIPPINS EGER,)	CASE NO. 12-75132 - MHM
)	
Debtor.)	
)	
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KIM D. EGER,)	
)	
Plaintiff,)	
v.)	ADVERSARY PROCEEDING
)	NO. 13-5127
TIFFANY PIPPINS EGER,)	
)	
Defendant.)	

ORDER

On January 31, 2014, Defendant filed a *Notice of Bankruptcy*, indicating that Defendant filed a Chapter 13 petition January 31, 2014 (the “New Petition”), initiating Case No. 14-51982 (Doc. No. 31) (the “Notice”). The Notice “suggests that this action has been stayed by the operation of 11 U.S.C. § 362.”

The instant proceeding stems from Defendant’s case under Chapter 7 of the Bankruptcy Code, Case No. 12-75132 - MHM, which commenced when Defendant filed a Chapter 7 petition October 4, 2012. Defendant received a discharge in that case March 28, 2013. This proceeding was initiated March 28, 2013, seeking a determination that Defendant’s debts to Plaintiff are not dischargeable pursuant to 11 U.S.C. § 523(a)(15).

“The automatic stay does not apply to proceedings against the debtor that arise in the same bankruptcy court where the debtor’s bankruptcy case is pending.” *In re Red Rock Services Co., LLC*, 480 B.R. 576, 616 (Bankr. E.D. Pa. 2012) (citing *Civic Center Square, Inc. v. Ford (In re Roxford Foods, Inc.)*, 12 F.3d 875, 878 (9th Cir. 1993)); *See, also, In re Mile4 Automotive, Inc.*, 2009 WL 2986699 at *1 (Bankr. D. Md. Sept. 15, 2009); *In re Sims*, 278 B.R. 457, 471 (Bankr. E.D. Tenn 2002); *In re Layne*, 2000 WL 33943200 at *7 (Bankr. S.D. Ga. Sept. 22, 2000) (J. Dalis); *In re Parrin*, 233 B.R. 176 at *1-2 (10th Cir. BAP 1998); *Matter of Redburn*, 193 B.R. 249, fn17 (Bankr. W.D. Mich. 1996); *Sears Roebuck & Co. v. Hodges (In re Hodges)*, 83 B.R. 25, 26 (Bankr. N.D. Cal. 1998) (“As a matter of law ... a nondischargeability action can never violate the automatic stay.”). Defendant has not pointed to any authority to support her contention that this proceeding should be stayed.

Plaintiff could, without question, file a complaint in Defendant’s new case without violating the automatic stay; however, it does not serve judicial economy or the purposes of § 523(a) to force Plaintiff to do so. Accordingly, it is hereby

ORDERED that this proceeding is ***not stayed*** by Defendant’s filing of the New Petition. This proceeding will proceed to trial February 5, 2014, as scheduled.

IT IS SO ORDERED, this the 3^d day of February, 2014.



MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE