

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

AF HOLDINGS, LLC,	:	
	:	
Plaintiff,	:	
	:	CIVIL ACTION
v.	:	NO. 2:12-cv-00262-WCO
	:	
RAJESH PATEL,	:	
	:	
Defendant.	:	

ORDER

Non-party Comcast has a pending motion for attorneys' fees pursuant to 28 U.S.C. § 1927 against defendant's counsel, Blair Chintella [93]. However, Chintella filed a bankruptcy case in the United States Bankruptcy Court, Northern District of Georgia. (*See* Suggestion Bankr., ECF No. 89). Accordingly, the automatic stay prevents the commencement or continuation of judicial actions or proceedings against the debtor. *See* 11 U.S.C. § 362(a)(1). Chintella's filings indicate that he is uncertain whether the court's show cause hearing includes Comcast's § 1927 motion since Comcast filed its motion after the court's show cause order. (Notice 4, ECF No. 96).

The court will not consider Comcast's § 1927 motion at the show cause hearing. The show cause hearing is limited to the issues generally described in this court's show cause order [90]. Additionally, Comcast has not produced an order

granting relief from stay, so it is inappropriate for the court to allow a judicial proceeding against a debtor in an ongoing bankruptcy case. If a hearing on Comcast's motion is necessary, the court will hear Comcast's and Chintella's arguments on the motion at a later date.

IT IS SO ORDERED, this 16th day of January, 2014.

s/William C. O'Kelley _____
William C. O'Kelley
Senior United States District Judge