

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

JET MIDWEST INTERNATIONAL CO.,)
LTD.,)
)
Plaintiff/Judgment Creditor,)
)
v.) Case No. 17-mc-00224-JAR
)
JET MIDWEST GROUP, LLC,)
)
Defendant/Judgment Debtor,)
v.)
)
BANK OF BLUE VALLEY,)
)
Garnishee.)

ORDER TO SHOW CAUSE

This case arises from a civil judgment in the Western District of Missouri, wherein Jet Midwest International Co., Ltd. (plaintiff/judgment creditor) was awarded money damages against Jet Midwest Group, LLC (defendant/judgment debtor) for breach of contract.¹ On December 19, 2017, the clerk for the Western District of Missouri filed a certification of judgment to be registered in another district, initiating the instant case pending in the District of Kansas.² Plaintiff/judgment creditor filed multiple applications for writ of garnishment to compel Bank of Blue Valley (garnishee) to garnish the accounts

¹ ECF No. 1-1. See *Jet Midwest Int’l Co., Ltd. v. Jet Midwest Group, LLC.*, No. 17-6005-CV-SJ (W. D. Mo. 2017).

² ECF No. 1.

of defendant/judgment debtor.³ Garnishee filed answers representing that defendant/judgment debtor's account was overdrawn and there were no funds.⁴

Defendant/judgment debtor filed its voluntary petition for Chapter 11 bankruptcy in the United States Bankruptcy Court for the District of Delaware on February 26, 2018.⁵ On March 1, 2018, plaintiff/judgment creditor filed its amended suggestion of bankruptcy petition, notifying this court of defendant/judgment debtor's Chapter 11 bankruptcy petition in the Delaware court.⁶ The bankruptcy petition triggered an automatic stay of the instant case, pursuant to 11 U.S.C. § 362(a) ("A petition . . . operates as a stay [. . .] of the commencement or continuation, including the issuance or employment of process, 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 . . .").

On June 1, 2018, the United States Bankruptcy Judge, Kevin J. Carey, entered an order granting the defendant/judgment debtor's motion to dismiss and dismissing the Chapter 11 case.⁷ The automatic stay, triggered by the filing of the bankruptcy petition, is in effect until the earliest of "(a) the time the case is closed; (b) the time the case is dismissed; or (c) if the case is [under chapter 11], the time a discharge is granted or denied."

³ ECF Nos. 3, 8, 11.

⁴ ECF Nos. 5, 10.

⁵ ECF No. 1, *In re: Jet Midwest Group, LLC*, Case No. 18-10395-KJC (D. Del. 2018).

⁶ ECF No. 16.

⁷ ECF No. 192, *In re: Jet Midwest Group, LLC*, Case No. 18-10395-KJC (D. Del. 2018).

11 U.S.C. § 362(c). The bankruptcy case was dismissed on June 1, 2018 and closed on June 18, 2018. The plaintiff/judgement creditor filed a notice of dismissal of the bankruptcy case and lifting of the automatic stay in the Western District of Missouri case on June 4, 2018.⁸ The court recognizes that Judge Whipple required a status report every 60 days after entering the order staying the case.⁹ Yet nearly a year after the dismissal of the bankruptcy case, no party has filed any update in the instant civil case to apprise the court of the status of the bankruptcy proceeding.

Therefore, by **June 4, 2019**, plaintiff/judgment creditor must show cause in writing to the presiding U.S. District Judge, Julie A. Robinson, why this case should not be dismissed with prejudice for lack of prosecution.

IT IS SO ORDERED.

Dated May 21, 2019, at Kansas City, Kansas.

s/ James P. O'Hara _____
James P. O'Hara
U.S. Magistrate Judge

⁸ ECF No. 105, *Jet Midwest Int'l Co., Ltd. v. Jet Midwest Group, LLC.*, No. 17-6005-CV-SJ (W. D. Mo. 2017).

⁹ ECF No. 98, *Jet Midwest Int'l Co., Ltd. v. Jet Midwest Group, LLC.*, No. 17-6005-CV-SJ (W. D. Mo. 2017).