

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICARDO P. PASCUA,
Appellant,
vs.
BAYVIEW LOAN SERVICING, LLC;
SEASIDE TRUSTEE, INC.; AND BANK
OF NEW YORK MELLON,
Respondents.

No. 71770

FILED

JAN 12 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER

Counsel for respondent in this pro se appeal has filed a Notice of Bankruptcy Filing, informing this court that appellant has filed a Chapter 7 bankruptcy petition in the U.S. Bankruptcy Court, District of Nevada. 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, however, that appellant was the plaintiff below and thus this appeal is not stayed pursuant to the mandatory provisions of federal bankruptcy law. *See* 11 U.S.C. § 362(a). If, however, this appeal is stayed by an order of the bankruptcy court for any other reason, appellant shall inform this court in writing within 10 days. Appellant shall attach to any such report any relevant orders or filings from the bankruptcy proceeding.

It is so ORDERED.

Cherry, C.J.

cc: Ricardo P. Pascua
Weinstein & Riley, P.S.