

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

RICHARD WEAN,

Plaintiff,

v.

Case No.: 2:23-cv-302-SPC-NPM

MELINDA MASTERS, YEN LE
and JON P. CARNER,

Defendants.

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OPINION AND ORDER

Before the Court is Defendants' Notice of Renewed Request for Stay (Doc. 63). Wellpath Holdings, Inc. and affiliated entities declared bankruptcy in the United States District Court for the Southern District of Texas, Case. No. 24-90533. The Court denied the defendants' first request to apply the automatic stay to this case because the stay generally protects the debtor alone. (*See* Doc. 62). No Debtor in the bankruptcy case is a party to this case, and the bankruptcy court has only extended the stay to lawsuits in which a Debtor is a party.

The defendants now ask the Court to stay this case until after a January 14, 2025 hearing scheduled in the bankruptcy case. The defendants presume the bankruptcy court will clarify whether the stay should apply to this case because one of the motions to be considered is the Debtors' Emergency Motion

for Entry of Interim and Final Orders to Enforce the Automatic Stay or in the Alternative Extend the Automatic Stay to Non-Debtor Defendants. But that motion only seeks to extend the stay to non-debtor defendants in cases that include a Debtor as a defendant. So even if the bankruptcy court grants the motion in full, the automatic stay will not apply to this case.

It is up to the bankruptcy court to determine whether staying this case is necessary for the Debtors' reorganization. The Debtors have not asked the bankruptcy court to extend the stay to this case, so it appears unlikely the bankruptcy court will address the issue at the upcoming hearing. This Court thus finds no good cause to stay this case. If the bankruptcy court extends the stay to this case, the defendants should promptly notify the Court and the plaintiff.

DONE and **ORDERED** in Fort Myers, Florida on December 18, 2024.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

SA: FTMP-1

Copies: All Parties of Record