

E-Filed 7/7/2009

NOT FOR CITATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

FACEBOOK INC., a Delaware Corporation

Plaintiff,

V.

SANFORD WALLACE, ADAM ARZOOMANIAN, and SCOTT SHAW, individuals; and DOES 1 through 25, inclusive, individuals, and/or business entities of unknown nature,

Defendant.

Case Number C-09-00798 JF(RS)

ORDER¹ STAYING ACTION AND
TERMINATING WITHOUT
PREJUDICE MOTIONS FOR
DEFAULT JUDGMENT AND
CRIMINAL CONTEMPT

[Docket Nos. 65, 70]

Because Defendant Sanford Wallace (“Wallace”) has filed a bankruptcy petition in the United States Bankruptcy Court for the District of Nevada, *See In re Wallace*, Case No. 09-19921-BAM, the instant action is subject to the automatic bankruptcy stay. *See* 11 U.S.C. § 362(a). Accordingly, Plaintiff Facebook’s motion for default judgment is terminated without prejudice. The motion may be re-noticed if and when the bankruptcy stay is lifted.

The motion for criminal contempt is not subject to the stay, as 11 U.S.C. § 362(b)(1)

¹This disposition is not designated for publication in the official reports.

1 provides an exception to the stay for “the commencement or continuation of a criminal action or
2 proceeding against the debtor.” However, because the Court has referred this matter to the
3 United States Attorney’s Office with a request that Wallace be prosecuted for criminal contempt,
4 Facebook’s criminal contempt motion also is terminated without prejudice.

5 IT IS SO ORDERED.

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7 DATED: July 6, 2009

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10 JEREMY FOGEL
11 United States District Judge
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1 Copies of this Order have been served upon the following persons:

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