

Litigation Concerning the Automatic Stay

Peter Roberts co-authored "Litigation Concerning the Automatic Stay," chapter 6 of the 2023 edition of *Commercial Bankruptcy Litigation & Strategic Alternatives For And Against Distressed Businesses*.

An automatic stay is triggered when filing a bankruptcy petition and becomes effective without judicial action. "If a creditor fails to comply with the automatic stay voluntarily, however, the trustee or debtor-in-possession must initiate litigation to enforce the stay," he explains.

The chapter provides an overview of litigation to enforce automatic stay and its effectiveness. It examines the duration, jurisdiction to enforce, litigation against the debtors and third parties, and acts against property. It also provides details regarding exceptions to the stay and remedies for violation.

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