

MONTANA BANKRUPTCY REPORTER

Decisions from the United States Bankruptcy Court for the District of Montana

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Welcome to the Montana Bankruptcy Reporter. This publication provides a searchable database of decisions from the United States Bankruptcy Court for the District of Montana. We also publish cases from other Courts that relate to bankruptcy issues. In addition, subscribers are provided with updated email alerts from the publishers as new bankruptcy related decisions are entered by Courts. All Montana Bankruptcy Court decisions from December of 1991 to the present are currently available on the site.

Under the selected year listed you will find the name of the decisions in alphabetical order along with the date and a synopsis of the case. You may click on the decision title to display the full content of this document in a web based format. A PDF version is offered for printability.

If you are looking for specific information please use the search area to help narrow the case subject.

Cite to cases as:

Volume, Page, Date

Ex: 2025 Mont. B.R. 108 (April 1, 2025)

CASE OF THE WEEK

[Honcoop, Violation of Automatic Stay, Sanctions](#)

Case no. 25-20194

Section 362(a) imposes an automatic stay which immediately applies when a debtor files a bankruptcy petition. The stay is “designed to preclude a variety of post-petition actions – both judicial and non-judicial – against the debtor or affecting property of the estate.” The stay is not narrowly limited to property of the estate; instead “the stay of section 362 is extremely broad in scope, and aside from the limited exception[s] of subsection (b), [applies] to almost any type of formal or informal action against the debtor or property of the estate.” The automatic stay is “self-executing, effective upon the filing of the bankruptcy petition.” Only the bankruptcy court has the “ultimate authority to determine the scope of the automatic stay imposed by § 362(a), subject to federal appellate review.” *Id.*, at 1087. A state court has the authority to decide whether its proceeding is within the scope of the automatic stay, “but the state court’s holding is not entitled to preclusive effect in the bankruptcy court.” . As such, a state court does not have the power to modify or dissolve the automatic stay, and if it proceeds without bankruptcy court permission, it risks having its final judgments declared void.

Willful violations of the automatic stay are punished through § 362(k)(1). This section states “an individual injured by any willful violation of a stay provided by this section shall recover actual damages, including costs and attorneys’ fees, and, in appropriate circumstances, may recover punitive damages.” A “willful violation” of the stay does not require a specific intent to violate the automatic stay. Instead, a willful violation of the stay

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