

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

<b>BRANCH BANKING AND TRUST COMPANY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL ACTION NO. 10-0518-KD-N</b>
	)	
<b>R &amp; T RENTALS, LLC, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

This action is before the Court on the Joint Statement Regarding Status of Settlement Negotiations. (Doc. 51). In the Statement, the parties report that defendant C. Thurmon Bell did not participate in mediation because of his “recent filing of a Chapter 11 bankruptcy petition” (*Id.*)<sup>1</sup> The Court construes this Statement as a Notice of Bankruptcy as to Bell. Also, the Court received a Notice of Bankruptcy as to Bell in *Wells Fargo Bank, N.A. v. Friday Construction Company, Inc. and C. Thurmon Bell*, Civil Action No. 11-0231-KD-N, United States District Court for the Southern District of Alabama. (*Id.* at doc. 15).

The Court has now reviewed the Chapter 11 Voluntary Petition wherein Bell filed individual bankruptcy stating that his debts are primarily business debts. (Doc. 1, p. 11, Bankruptcy Action No. 11-03673, United States Bankruptcy Court for the Southern District of Alabama.) Accordingly, this action is **STAYED** as to defendant **Bell** pursuant to 11 U.S.C. §

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<sup>1</sup> Previously, on report of the mediator, the Court was informed that Bell “did not participate in the mediation because he is in bankruptcy”. (Doc. 49).

362(a) due to the pendency of the bankruptcy proceedings. **Bell** is **ORDERED** to file a status report on or before **January 3, 2012**, to advise the Court as to the status of the bankruptcy and the status of this litigation.

Defendants, F. Rutherford Smith and R & T Rentals, LLC, have been dismissed with prejudice. (Doc. 50). Therefore, since Bell is the only remaining defendant, the Clerk of the Court is **directed** to close this action for statistical purposes.

**DONE** and **ORDERED** this 17th day of October, 2011.

s / Kristi K DuBose  
**KRISTI K. DUBOSE**  
**UNITED STATES DISTRICT JUDGE**