

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

|                                     |   |                                      |
|-------------------------------------|---|--------------------------------------|
| <b>WELLS FARGO BANK, N.A.,</b>      | ) |                                      |
|                                     | ) |                                      |
| <b>Plaintiff,</b>                   | ) |                                      |
|                                     | ) |                                      |
| <b>vs.</b>                          | ) | <b>CIVIL ACTION NO. 11-0231-KD-N</b> |
|                                     | ) |                                      |
| <b>FRIDAY CONSTRUCTION COMPANY,</b> | ) |                                      |
| <b>INC., and C. THURMON BELL,</b>   | ) |                                      |
|                                     | ) |                                      |
| <b>Defendants.</b>                  | ) |                                      |

**ORDER**

This action is before the Court on the Notice of Bankruptcy Filing filed by defendants Friday Construction Company, Inc. (Friday) and C. Thurmon Bell (Bell). (Doc. 15). In the Notice, defendants report that Bell has filed bankruptcy and provide the Court with “Case No. 11-03673”. Defendants state that Friday is “owned 100 percent by” Bell “and is similarly protected by the stay in bankruptcy.” (*Id.*)

The Court has reviewed the Chapter 11 Voluntary Petition filed by Bell. (Doc. 1, Bankruptcy Action No. 11-03673, United States Bankruptcy Court for the Southern District of Alabama.). Bell filed an individual petition stating that the debts are primarily business debts. However, Friday is not identified as an “other name” used by Bell. Also, Bell did not sign the petition on behalf of a Corporation or Partnership. Instead, “Not Applicable” is typed in the section requiring the “Signature of Debtor” for a Corporation or Partnership. (*Id.* p. 3).

Therefore, based on the information before the Court, the automatic stay pursuant to 11 U.S.C. § 362 may not operate as a stay of this litigation as to Friday. Accordingly, on or before **October 31, 2011**, defendant **Friday is ordered** to provide the Court with authority to support

its position that Bell's individual Chapter 11 bankruptcy petition requires a stay of this action as to Friday.

Further, pursuant to 11 U.S.C. § 362(a), this action is **STAYED** as to defendant **Bell**. 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.

**Nothing herein shall be construed as a stay of this litigation as to defendant Friday.**

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

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