

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

U.S. BANK, N.A., in its capacity as Trustee for the  
registered holders of Home Equity Asset Trust 2004-6,  
Home Equity Pass-Through Certificates, Series 2004-6,

Plaintiff,

v.

PHILIP BENOODT, CAPITAL ONE BANK (USA),  
N.A., PEOPLE OF THE STATE OF ILLINOIS ex rel.  
TAMMIE THEISEN, and TAMMIE EMONS ,

Defendants.

Case No. 10-cv-812-JPG-PMF

**MEMORANDUM AND ORDER**

This matter comes before the Court on the suggestion of the bankruptcy of defendant Philip Benoodt filed by plaintiff U.S. Bank, N.A. (Doc. 11).

Generally, following the filing of a bankruptcy petition, the Bankruptcy Code stays the continuation of an existing judicial proceeding against the debtor. *See* 11 U.S.C. § 362(a)(1). Thus, all proceedings against defendant Benoodt are automatically stayed. Furthermore, because it is impossible to proceed against the other defendants in this case without impacting Benoodt, proceedings against the other defendants are also stayed.

For these reasons, the Court finds that this case is **STAYED**. The Court **ORDERS** plaintiff U.S. Bank to file a status report with the Court in September of each year addressing the status of the bankruptcy proceeding and to file a final report within 30 days of the termination of that proceeding.

**IT IS SO ORDERED.**

**DATED: November 4, 2011**

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**