

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ARCH BAY HOLDINGS, LLC – SERIES)
2009B,)
))
Plaintiff,)
))
v.)
))
LINDA R. CONNOR, GEORGE A. COLLINS)
& SONS, INC., UNITED STATES OF)
AMERICA, EUGENE CONNOR,)
UNKNOWN HEIRS AND LEGATEES OF)
LINDA R. CONNOR, and UNKNOWN)
OWNERS AND NON-RECORD)
CLAIMANTS,)
))
Defendants.)

Case No. 3:10-cv-859-MJR-DGW

ORDER

Now pending before the Court is a Motion to Substitute Plaintiff filed by Plaintiff Arch Bay Holdings, LLC – Series 2009B (“Arch Bay”) (Doc. 37). Plaintiff Arch Bay indicates that the mortgage underlying this action was assigned to Deutsche Bank National Trust Company, as Indenture Trustee of the Arch Bay Asset-Backed Securities Trust 2010-2, on December 2, 2010, and recorded on January 24, 2011. Plaintiff Arch Bay asks, therefore, that Deutsche Bank National Trust Company, as Indenture Trustee of the Arch Bay Asset-Backed Securities Trust 2010-2, be substituted as the Plaintiff in the action. Defendant, The United States of America, has responded in opposition to the motion, arguing that in light of the mortgage transfer, the Plaintiff does not have standing to bring the action (Doc. 41). In reply, Plaintiff clarifies that it seeks substitution pursuant to Fed. R. Civ. P. 25(c).

Fed. R. Civ. P. 25(c) authorizes substitution of the transferee when an interest is transferred from one party to another. Substitution is not required, but the Court may, upon motion,

substitute or join the party to whom the interest was transferred. *Id.* Based upon the representation of the Plaintiff and exhibits attached to the motion showing the transfer of interest, the motion is **GRANTED**. The Clerk shall **SUBSTITUTE** Deutsche Bank National Trust Company, as Indenture Trustee of the Arch Bay Asset-Backed Securities Trust 2010-2, for Arch Bay Holdings, LLC – Series 2009B, as Plaintiff in the action.

IT IS SO ORDERED.

DATED: August 3, 2011



DONALD G. WILKERSON
United States Magistrate Judge