

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:14-CV-807-FL

PNC BANK, NATIONAL ASSOCIATION)
successor to RBC Bank (USA), successor to)
Triangle Bank formerly known as RBC)
Centura Bank formerly known as)
Centura Bank,)
)
Plaintiff,)
)
v.)
)
TAMAGE L. WELLS)
)
Defendant.)

ORDER

This matter is before the court on defendant’s notice that she filed a Chapter 7 bankruptcy proceeding in the United States Bankruptcy Court for the Eastern District of North Carolina. Pursuant to this filing, it appears to the court that defendant is entitled to the protections of the automatic stay provisions of 11 U.S.C. § 362.

Accordingly, this action is hereby STAYED during the pendency of the bankruptcy case or until such time as the bankruptcy court shall order otherwise. Counsel for defendant is DIRECTED to notify the court immediately upon the conclusion of the bankruptcy proceedings **by filing with this court a notice stating the disposition of the bankruptcy case and including the final order in the bankruptcy matter or other disposing order issued by the bankruptcy court.**

As a general matter, the automatic stay provision applies “only to the debtor, not third party defendants or co-defendants.” A.H. Robins Co., Inc. v. Piccinin, 788 F.2d 994, 999 (4th Cir. 1986); see also Williford v. Armstrong World Indus., Inc., 715 F.2d 124, 126-27 (4th Cir. 1983). At this time there are no other defendants in this action, in light of plaintiff’s notice of voluntary dismissal

as to defendant O.H.K. of Tarrytown, Inc., originally named in the complaint in this action. The court has constructively amended the caption of the case in this order to reflect the termination of defendant O.H.K. of Tarrytown, Inc.

SO ORDERED, this the 11th day of March, 2015.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive style with a large initial "L".

LOUISE W. FLANAGAN
United States District Judge