

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

| | |
|--------------------------------|------------------|
| FIFTH THIRD BANK |) |
| |) |
| v. |) NO. 3-10-0034 |
| |) JUDGE CAMPBELL |
| WINDHAVEN SHORES, INC., et al. |) |


ORDER

Pending before the Court is Plaintiff's Motion for Summary Judgment (Docket No. 28), to which no opposition has been filed.

Defendant Robert Phillips, Sr., who is a Guarantor on the debt at issue herein, has filed a Suggestion of Bankruptcy (Docket No. 32), indicating that he has filed a voluntary Chapter 7 petition with the U.S. Bankruptcy Court, Middle District of Tennessee. Pursuant to Section 362(a) of the U.S. Bankruptcy Code, Defendant Phillips contends that this action is stayed, pending further order of the Bankruptcy Court.

The parties shall file briefs, on or before November 19, 2010, as to whether the Court can rule on the pending unopposed Motion for Summary Judgment, given the bankruptcy of Defendant Phillips.

IT IS SO ORDERED.



 TODD J. CAMPBELL
 UNITED STATES DISTRICT JUDGE